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LATEST INTELLIGENCE

By Telegraph to the New-York Daily Times.

Convention at Lexington, Missouri.

ST. LOUIS, Tuesday, July 17.

The Convention called at Lexington, in this State, duly commenced on the 12th inst., and a large number of delegates were present. Col. WOODSON was chosen President pro tem., and Col. LOVE Secretary. A Mr. RALSTON, of Kansas, created quite a sensation on account of the Convention refusing to recognize him as a delegate. General ATCHISON and Colonel DONIPHAN were called upon to address the meeting, but declined doing so for fear of prejudicing the success and harmony of the meeting. Col. LOVEY wished to know the object of the Convention. He was ignorant of it, and was in favor of laying down a platform on which the whole South could stand. It should advocate, by all lawful means, the establishment of Slavery in Kansas. Col. S. A. WOODS, made a hot and earnest speech, when the Convention adjourned till morning.

In the evening, the following permanent officers were reported: President, Hon. W. T. WOOD; Vice Presidents, J. F. V. THOMPSON and JOHN LOVEY; Secretaries, S. A. LOWRY and L. WEBSTER.

On the second day two gentlemen from St. Louis claimed seats in the Convention, and the President decided that they were entitled to them. This decision was appealed from, but the Chair was sustained.

Resolutions were introduced requesting the Legislature of Missouri to pass an act prohibiting "free negroes and mulattoes from entering the territory of Missouri," which, after long and earnest speeches, were unanimously adopted. Judge LAWRENCE and Major ATWOOD were appointed to confer with the delegates of the different States, and counsel that any few discordant elements between the delegates of the different States, and counsel that any few discordant elements between the delegates of the different States, and counsel that any few discordant elements between

GOSSIP OF PARIS.

Rachel Rehearsing by Compartment—The Tuning Fork of the Grand Opera—Self-Contradiction—English Spaniards at Mabille, &c.

Special Correspondence of the N. Y. Daily Times.

PARIS, Monday, June 11, 1855.

The immense success of RISTORI will produce an inevitable result—the partial, the permanent eclipse of RACHEL. The ascendancy of serious tragedienne has been in a great measure owing to the popularity of the Italian actress and unpopularity of the Italian performer, many degrees from this lofty position. Comparisons are certainly odious, but it would seem unnecessary to make them in this case, for it is manifestly evident that critics, the *feuilletonists*, and the whole body of Paris journalists have seized the opportunity, with delight, of inflicting compliments and of drawing conclusions unfavorable to the Jewess. The motive of this is undoubtedly to be found in the little success RACHEL enjoys, individually. She has made herself feared, not loved, by those brought into connection with her; and the people at large have never been taught, or wan, by any act of hers, to sympathize with, or take an interest in her career. She is not and never has been popular. She has never cared to exercise any other influence than a professional influence. Her stories is well known, and her commercial aptitudes are thought depending to her genius. Her jealousies and her insufferable self-appreciation, her disinclination to oblige, and her utter carelessness of the interests of her brother and sister members of the profession, have alienated from her hosts of minds, in artistic and literary circles. Some weeks ago a statue of JOAN OF ARC was inaugurated at Orleans. RACHEL was invited to play the character of *Joan* at the fêtes there. After six days of negotiation, the Mayor of Orleans having been compelled to come to Paris to hold counsel with the lady, the whole project fell through on account of some petty misunderstanding. She rarely plays for a benefit, and I cannot remember that she ever has lent her aid to the Dramatic Fund. She never makes donations beyond the pale of her own family.

So, for these and other reasons, the occasion has been seized with avidity by the press, without exception, to humiliate RACHEL, by exalting RISTORI. The language used by DUMAS is of the most emphatic kind. He speaks of RACHEL as wedded to a dead literature, and as the priestess of a dead art, and hopes she will profit by the example of this living and breathing Italian. JULES JANIN intimates that she will hardly be able to maintain her supremacy. SAINT VICTOR says that RISTORI "drove from her audiences the noblest tears ever shed at the mimic woes of a tragedy queen." THEOPHILE GAUTHIER, in the *Moniteur*, and JULES DE PRESMARAY, in the *Presse*, ruthlessly storified their own country-women to the Ultramontaine; FIORENTINO, of the *Constitutionnel*, avoids all juxtaposition of the two rivals, feeling, doubtless, a certain degree of restraint, from the fact that he is an Italian himself. As for the public press, you may judge of its feeling from the following fact: RISTORI plays at the Italian Opera, the only theatre in Paris where there is no *claque*, and is called before the curtain seven to eight times every night. RACHEL has a regularly drilled army of applauders at her service, and even with their aid cannot obtain more than a double recall.

I mentioned in my last that RISTORI was present at RACHEL's *rentrée*, on CORNEILLE's anniversary. She sat in a box in the first tier, and applauded heartily from first to last, being herself an immense object of attraction, in the intermissions. The next night, for the first time, RACHEL attended the Italian play. She concealed herself in a beignoire (looking-out box) behind the pit and under the first tier. She was, therefore, visible to no one. She left after the fourth act, unable to witness the triumph of the *divinissima*, and the ovation after the fall of the curtain.

On the other hand, the Sardinian actress is making *grands progrès en France*. *Last Friday* morning she recited a dramatic scene for the benefit of GORDIGIANI, the Tuscan composer, and the same evening she played *Bianca* for the benefit of LEROUVAINS, of the Gymnase. She has offered to play for the Dramatic Fund, and the Minister of State has directed the Grand Opera House to be the scene of the entertainment. Overwhelmed as she is with attentions, she bears her honors meekly, and delights every one with her simplicity. GEORGE SAND wishes a wall of gold to be built around her, so that she may remain forever in Paris. GERHARDI, who made, for the Government, the statue of RACHEL, moulding in "Tragedy," declares he means to break it up, as being nothing but the "statue of Melancholy." This awful thing has been in print in the *Moniteur*. The Minister of State, hearing that RISTORI plays *Adele* in DUMAS' drama of "Antony," authorized the performance of the Italian version, though the original French is under interdict. And the public, basing the thought upon the wish, is circulating a rumor to the effect that she spoke French like a native, and has been offered an engagement at the Comedie Française, at $16,000 a year. M. SCRIBE has proposed to her to play his *Adrienne Lecouvreur* in Italian, but she naturally declines, not wishing to infringe upon Mlle. RACHEL's domain. But she means to invite comparison in the Italian version of SCHILLER's *Marie Stuart*, which is not unlike the *Marie Stuart* played by RACHEL.

The tuning fork of the opera is mislaid. It has been stolen, stolen, since the reign of Charles X. This disappointment has been the cause of the early decline of tuning and of the [illegible] of concerts. The task of restoring it is very easy to follow. All instruments, pianos, violins, flutes, get their register from the tuning fork, which, when struck, produces the note *la*. This *la* is itself irregular, inasmuch as tuning forks differ. In 1713, the tuning fork then used vibrated 410 times in a second; the *la* now adopted vibrates 870 times in a second. This is a difference of a whole tone. The reasons suggested for this constant and progressive elevation of the diapason are three: the higher the tone, the more sonorous and less heavy to carry; the tendency of piano manufacturers to augment the elasticity of their strings by unnaturally stretching the tone; and lastly, the pressure itself of brass tuning-forks. This is done by the *flat*. One fork filed to the exact point where it accords with another will be found to be slightly higher when the heat caused by the friction has disappeared, and then a series of twenty forks, regulated the one from the other, will present a difference at the two extremes, perceptible to a delicate ear. In this way have tenors and sopranos been driven of late to the necessity of forcing, and, consequently, ruining their vocal organs. A Congress at Stuttgard proposed in 1832 as a uniform standard for all diapasons the *la* of 860 vibrations in a second, but the suggestion met with no encouragement. A Congress may very possibly be held here, in view of the Exhibition, which will definitely settle the question, and superintend the manufacture of a prototype tuning-fork, from which a uniform *la* may be spread abroad to all the musical institutions of the world.

In America, a piano or other instrument tuned to the current *la* is said to be at concert pitch. Here, we are more complex, and the tuner summoned to exercise his profession, invariably asks the following question: "Will you have it tuned in the diapason of the Opera, the Opera Comique, or the Italian?" Of course, the diversity will be remedied by the invention of a grand prototype tuning fork.

The Prefect of Police has issued his annual instructions to individuals bitten by mad dogs. You will recognize the extreme practicability of these directions, when I say that the victim must, if he happen to be alone and unarmed, procure a piece of iron, or *old nail*, heat it to a white heat, and vigorously cauterize himself. The *Moniteur des Hospitaux*, however, is of opinion that even this energetic process would be unavailing if delayed five minutes, and proposes that every inhabitant of the sparsely settled districts carry about with him, in the form of an *over-pointed pencil*, a supply of the terrible caustic known as Vienna Powder. This would be at once cheap and commodious, safe and expeditious. It would be almost worth while to get bitten on purpose, so as to make trial of this chemical substance, "whose action is so profoundly corrosive upon the animal tissues."

The exhibition of domestic animals at the Champ de Mars offered but little worthy of note. Prince ALBERT won a second prize for a contribution of Dorking hens. The Emperor bought a cow for $300. A cow was shown which gives thirty quarts of milk a day, four months after calving. There were Durhams without horns, the secretions intended for those incumbrances being employed in fertilizing other parts. Attempts are making to divert the matter used by nature in producing tails, in sheep, at best a useless ornament, to neighboring regions of the body. Several butchers, who bought fat animals, were reminded, too late to prevent the purchase, that the law compels them to preserve as propagators all males which have received a prize, till the 31st of December. I shall conclude this account with two extracts from an agricultural review of the display:

"The English are much superior to us in pigs!"

"The pride of breeders led them to bring to the Exhibition, specimens of males so very fat that their essential breeding forms and qualities were absorbed or concealed by adipose riches quite useless, to say the least!"

It is amusing to visit the Fine Art Exhibition on a five franc day. The managers having made up their minds that on these occasions the public will remain aloof, oblige their absence by doing up the various chores that have accumulated during the week. Pictures are rehung, and cases of new ones just arrived are unpacked and strewed about the floors. Men get in your way with ladders and ropes and hammers. The guardians, the police and the firemen take the catalogue and look at the paintings. They give their opinions in quite a loud and authoritative way. Everybody seems to be off duty, and all the regulations would appear to be suspended. You are reminded of Monday at the Louvre, the cleansing and dusting day, when the public is not admitted. You may witness these operations at the Fine Arts for the reasonable sum of five francs.

Two of the theatres have been threatened with trouble this week behind the scenes—the Comedie Française and the Grand Opera. The manager of the former had been one evening asked by a Bonaparte princess why DUMAS' adaptation of SHAKESPEARE's "Hamlet" did not belong to his repertory, and why ROUVIERE was not especially engaged to play it. The idea was considered, and the Minister of State was in favor of it. Three life members of the company at once sent in their resignations, to take effect the very hour of the admission among them of M. ROUVIERE and of the reception of a melodrama like "Hamlet," in which everybody is killed except the prompter. This menace was crowned with success, and the classic stage is still unstained with blood.

The other difficulty was made by GIUSEPPE VERDI, Esq. He very naturally complained of the engagement of ALBONI at the very moment of the production of his "Vespers," as calculated to operate a diversion to divide the public attention, and to compromise the success. The management urged that in view of the intended five performances a week instead of three, it must increase its *personnel*. VERDI persisted, and would have withdrawn his opera had he been able, but the Minister of State was too strong for him. The breach has since been healed, and amicable relations will be restored by the production of the "Vespers" to-morrow night.

Some one said to DUMAS, the other day, that his son was following close upon his traces. "Oh, yes," said DUMAS, "but I am still the real JEAN MARIE FARINA of the concern." The cologne disputes will give you the clue to the wit of this reply, which will also remind you of Dr. TOWNSEND and *Old* Dr. *Jacob* TOWNSEND.

The *Siècle* says that English is now the prevailing language at Mabille. The fair frequentresses of the spot must have made great progress, then, since last I heard the idiom spoken there. "Will you kiss me?" was then the more usual, and indeed the only shred of conversation that ever fell from their lips; and this they had learned as being directly in their line of business, just as the tourist commits to memory the indispensable injunction—*Dieuce moi du guire*. It is quite probable that in consideration of the Exposition, they may have added to their collection of English such queries as the following: "How much rich you got?" "What street you live in?" "Me like de Englishmans—dey spend de money so easy, and dey buy so many sings for *de bonne amie*. *Vive l'Angleterre!*"

One of these ladies, by the way, has just adopted and placed upon her card a name that does not belong to her—the name of the original and famous Dosse, aux Camelias, long since *dead*—that is, the name given to her in DUMAS' play of that name—"Marguerite Gauthier." There is a great deal in a name. Everybody knows that STRAUSS, the leader of the Emperor's orchestra, was a dealer in [illegible] Quarterons and pictures, till he found that his genius was the same as that of the great Johann Sebastian, whose name he took to make, by which he certainly had natural claims. But his first love remains strong upon him, and I rarely visit the outdoor scenes of the Rue Doucet without seeing STRAUSS, magnifying glass in hand, intent, in scrutinizing miniatures or looking out for flaws on Japan porcelain. Marguerite Gauthier is said to be the damsel who some years ago, adopted the name of Rigolette. She had youth in her favor then; I doubt whether she succeeds well with the aid of experience and maturity.

An Englishman has been sentenced at Calais to twenty years' hard labor, for shooting a Frenchman through the heart for having called somebody a hard name, which the Englishman thought proper to apply to himself. The Paris correspondent of the London *Globe* thinks the sentence unjustifiably severe. Where, indeed, is the virtue of an alliance between two nations, if the little eccentricities committed by the individuals of one, are not pardoned or overlooked by the authorities of the other?

OFFENBACH, the violoncellist, and leader of the orchestra of the Comedie Française, has been removed from that establishment, with the whole of his orchestra. It has long been the custom at the theatre to dispense with music on the nights of tragedy, and the experiment of dispensing with it altogether is to be tried during the Summer. A purely literary stage should be able, says the manager, to subsist without having recourse to such accessories as music. The space will be converted into five franc stalls. To indemnify OFFENBACH, the Government has given him the privilege of a little warm-weather cabby in the Champs Elysées, where other vaudevilles containing only three characters, pantomimes and harlequinades on a small scale, are to be performed. This is a descent for poor OFFENBACH, who has the merit of having raised the orchestra of the French Theatre from a very low point, to a degree of efficiency which entailed its downfall, by rivaling the excellence of the artists behind the curtain.

AUBER has just produced an opera evidently intended for our trans-channel visitors. The libretto is by M. SCRIBE, and all the characters are English. *Jenny Bell* is a *dame* of the Operatic boards of London, at the close of the last century. The *Duke of Greenwich* picked her up in the streets, when she was a child, and then went out to govern East India. His son, *Lord Mortimer*, is now frantically in love with her, and she, not knowing his rank, and taking him for what he appears, a young and neglected composer, is very kindly disposed towards him. The *Duke of Greenwich* returns from Calcutta, to implore *Jenny Bell* to dismiss, and if possible, cure his son of his passion. She consents, though with a broken heart. She pretends to him to be in love with an older man; she drinks punch, and sings an improper song! Of course, *Lord Mortimer* is disgusted, and so completely cured that he proposes to blow his brains out, which he is on the point of accomplishing, when his considerate father accords him his consent to the wedding! The curtain falls to the chorus of "God Save the King," sung in the distance, while *Jenny* embroiders upon it a rapid string of variations of "Rule Britannia. The severity of the royal psalm, and the scherzando of the accompaniment, produce an effect, very unlike to be sure, but very suggestive of the "Miserere" and the "Lament of the Trovatore." The music of this Opera is in every way worthy of AUBER's better days, and denotes greater care and labor than he bestowed upon some of his later and more hasty productions. M. SCRIBE is terribly used for his ridiculous libretto.

The *Charivari* accounts for the indifferent success of the Exposition upon a theory as novel as it is interesting. He attributes it to the turnstiles through which each visitor must pass, in order to be checked off and registered. A lady who, with distended petticoats and starched crinoline, subjects herself to the embrace of this instrument, emerges from it very much crumpled and reduced in dimensions. Her skirts are mashed into a diminutive and disorderly compass. She seems to have been taking a ride in an omnibus between a drunken grenadier and the giant of the Café Turc. The *Charivari* proposes this solution after the failure of several others, such as the absence of the Chinese Mandarin from the inauguration, the Senegambian temperature produced by the roof, or the well-known difficulty of even finding the way out when once you have got in. Seriously, the reason undoubtedly is that the machinery department, the great curiosity of the whole collection, is not yet open to the public.

But the turnstile, or rather one of them, for there are six, has been the occasion of an adventure much more real than any of the *Charivari's* crumpled crinoline stories. A lady, evidently from the country, of a size and form resembling the Hottentot Venus, presented herself in front of it, intimating her desire to enter. She squeezed herself as well as she could into the space included between the two radii spokes and 90 degrees of the circumference, and then giving a mighty push, endeavored to pass in with the turn of the circle and the click of the cog. But no pushing would do, and though the crinoline shrank and was gathered into folds, the flesh would not budge. The crowd made very merry over this calamity, but its hilarity knew no bounds when an enormous municipal guard, seizing the lady by the waist, deliberately lifted her *over* the turnstile and landed her on the *inside* of the enclosure. Red with exertion, mortification and the embrace of the military Hercules, she rushed into the Palace, while the tender of the *tourniquet*, turning it quarter round for the visitor who had not been able to turn it for herself, checked her off and registered her twenty sous piece.

DICK TEMPO.

ENGLAND.

Death of Lord Raglan—The Sunday Meeting—Cause of the Late Defeat before Sebastopol.

Special Correspondence of the N. Y. Daily Times.

LONDON, Tuesday, July 3, 1855.

The death of Lord RAGLAN and a victory of the *People* of London against the Russians of Westminster, are the two important events since the sailing of the *Pacific* on Saturday last. I must speak first of the People's victory, because it is unusual, and because it may have been the inauguration of a means of popular success also for the future, in questions of more important nature than the one just carried against oligarchic Cossacks. I have acquainted you with the preparations for a meeting in Hyde Park, on one side, and for the defeat of the intended meeting, on the other side. General Sir RICHARD MAYNE, Commander in-chief of an allied army of policemen, had given due notice that a meeting in the Park would be considered a *casus belli*, which he had taken measures to prevent or to put down by all means. The People were, however, not in the least frightened, and, having read Sir RICHARD's martial proclamation, walked and poured on in endless masses to that forbidden place, the Hyde Park. I went there between 3 and 4 o'clock on Sunday afternoon, and soon found myself in the midst of an assemblage, the numbers of which defy any calculation. It has been estimated that the number of persons present was not less than 150,000. I certainly never saw such a vast assemblage, although I have witnessed popular revolutionary meetings in more than one country on the Continent. Those who know the Park may form some idea of the extent of this monster demonstration, when I have told them that the carriageway from the gate at Apsley House up to the bridge at Kensington Gardens, was covered by a crowd the latitude of which extended on the whole line of the longitude to more than a quarter of a mile. The majority unfeudally belonged to the working classes, but, with a few exceptions, all looked most respectable, and behaved with perfect decorum. Lord DERBY, the Earl of SHAFTESBURY and Lord JOHN MANNERS, (the poet, who cares not whether science, commerce, should die, if only they should be survived by "our old nobility,") and some other noblemen were seen walking in the crowd, and to have some "small talk" here and there. Speaking was, however, a difficult affair: first, because the police were on the watch, but principally because the indescribable noise of this "indignation meeting" killed every single sound pretending to a fair hearing. Some small circles were, however, formed, now and then, a little out of the reach of the deafening noise, as well as of the police, and I happened to fall on one of these closed meetings, the orator of which was shut from my view. I heard him deliver the end of his speech. "Is it not a pity, said he, that the greatest metropolis of the civilized world should be represented in Parliament by such men as GROSVENOR and ELLINGTON? [Shame, shame.] Then let us be up and doing. All your wars and fightings come from having such bigots as Lord R. GROSVENOR in Parliament. He is a good man, no doubt; but he should mind his *own* salvation. We won't go to church, because he says we must, unless we like to go. Look at the present war; is it not carried on at the expense and sacrifice of blood of the productive classes? And when the horrid mismanagement has well nigh ruined us, up starts a German Prince and would persuade us to become slaves in order to be more fit for purposes of war." Here the cry of "police" was raised, and my Demosthenes stopped his philippic and ran away, to the not little merriment of his audience. "Well, he is a jolly parson after all," remarked somebody, and the general laughter confirmed the sentence. There was, indeed, something very extraordinary in the facility with which some hundred of policemen ruled these thousands. Englishmen attribute this to an inborn respect of the people for the law, and are proud of this quality in the nation. Foreigners are, however, not always convinced of this, and the scene they witnessed on Sunday was not of a sort to raise their estimation of English valor. When a crowd, assembled for a peaceable end, is kept in order by a single policeman of polite manners, there is self-respect as well as respect for the law; but when a few ruffians, who are treated with a constable's truncheon, are falling foul on right and left, breaking heads and arms of young and old, of men and women, driving some into the river, while others—even children—are struck down and trodden on, and all this in face of a hundred thousand *spectators*, who, instead of defending their fellow men, are running away at the very approach of a policeman, then, in such a case, Englishmen may talk of their "respect for the law" as long as they like, but some "foreigners" will call it a "moral cowardice" in the masses, of which we have had, moreover, a memorable instance in the famous Chartist procession of 1848. You can have no idea of the brutality displayed by the police. "Why, really, they are worse than were the Russians at Inkermann," said an invalided Crimean hero, and he was on the point of being arrested for this remark, but some more soldiers—grenadiers—came, and the "offended" policeman found it impolitic to insist on his surrender. This gave rise to a general fraternization between the people and the soldiers, who were cheered most enthusiastically, while the police had groans of a formidable sort. This "fraternization" was deemed so undesirable to Sir RICHARD MAYNE, that he sent to the military authorities, for that those soldiers might be ordered to return to their barracks. The order was sent, but it could not reach them, all, lost as they were in the crowd, by which they were treated with honor and cigars. In the meantime prisoners were made continually. Stones were thrown against policemen, but not before they had most ferociously attacked any one who was shouting and hooting—an offence not yet known to be punishable by a police-bludgeon. Whatever disorder there was, it is certainly the savage conduct of the police that it must be attributed to. The "ladies and gentlemen" who had the curiosity or defying spirit to have a drive on that day, must evidently have made up their minds to whatever addresses they might be honored with. They came there (there were not many of them, certainly,) with the certainty of being advised to "go to church"—("Get thee to a nunnery, Ophelia")—and would surely have felt disappointed in not having any "fun." So the police might have left these "ladies and gentlemen" to all the consequences of their adventurous disposition. The people would certainly not have hurt their *feelings*, (they have none,) by a few epithets and groans. But Sir RICHARD MAYNE wanted to win his laurels, and so he had his wounded and almost killed, and made a hundred prisoners, one of whom was fished out of the Serpentine. The consequence of these exploits was an intense excitement all over London during the whole of yesterday. Regent-street had a strange aspect. Crowds were in permanence on all street corners, and Marlborough-street was crammed with people from morn till night. The indignation at the conduct of the authorities was loud and universal, and the whole interest of the public seemed to have been absorbed by the fate of the prisoners. The Crimea was forgotten. RAGLAN's death was no more spoken of. Lord ROBERT GROSVENOR succeeded in *raising an excitement which the siege of Sebastopol* and its disasters could never yet succeed in raising. And while the people watched Marlborough-street Court, where Mr. BALLANTINE protested energetically against the shameful proceedings of the Home Department, the "Sunday trading bill" was, at last, withdrawn by the noble lord, who received a well merited censure from Mr. ROEBUCK, for his having led the House into a position from which it cannot recede without loss of dignity, and from which it must recede. The lesson was a good one. Their lordships may profit by the fright they were in, and they may come to a closer knowledge of their position. People cannot like to be led by the nose, to even the Church, and though they may be led so for a long while, their patience will go out on a sudden, and this ought not to be forgotten by those who rule by the mere patience of the people, and who know that a London population with its patience *lost* would make the most terrible revolution ever witnessed. And I would not be surprised if the success of this movement against the Sunday Trading bill should have introduced the "Hyde Park meetings," for, as I said at the beginning of this letter, questions of more radical importance.

"Poor Raglan is so more." Such was the general exclamation on Saturday last, and those words are expressive enough to interpret the feelings which his death has provoked. *He is pitied*, and leaves no personal enemies behind. His good qualities were many and uncommon, and, now that he is no more, people will not ask in what great qualities he has been deficient.

It is *not printed* but it is whispered, that the attack against the Redan failed by the unsteadiness of the stormers. You will surely have been struck with the disproportion in the numbers of the killed and wounded, and you must probably have tried—as everybody has done—to find out how it be possible, that 16 officers and 144 private soldiers *killed*, there should be 74 officers and 1,056 privates *wounded*. The riddle is—under the seal of secrecy—explained thus: The storming parties marked death at the first sweeping effect of the grape vomiting Russian batteries, in spite of the covering party that came to their support, and actually in advance of them. The fugitive many escaped with 1,120 *wounded*, while the adventuring few were killed. Such is the story whispered but not printed. What the English army in the first moments of the attack, was most in dread of, was the probable success of the French against the Malakoff. A success by parity of reasoning, seemed to mankind, that they have, or least, the same necessary consequence, that they, too, were beaten back. The French, I dare say, reciprocate this feeling of good fellowship and cordial alliance, while Prince GORTSCHAKOFF will, no doubt, be most happy in procuring them also for the future, such a mutual consolation. Such failures are, however, very dangerous to the alliance, because they raise recriminations, especially if not retrieved by immediate victories. We already have some news to that effect. The Crimean correspondent of the *Press*, (GRANDIN's,) admits—though with distrust—that the French camp is loud in accusing the English as the cause of the catastrophe, while at English headquarters PELISSIER's moment of suddenly changing the plan of action seems to have been a point of pretty freely expressed accusation. The English are at a very serious disadvantage in such recriminations. Their numbers are as small in comparison to those of the French army, that they must feel fear-bound and predeterred in telling their opinions, lest their allies should, in some moment of failure-provoked ill-humor, remind them of the disproportion in the respective contingents employed to subdue Russia's power. It looks as if the occupation of the Baltic by an exclusively English fleet had been decided upon by the two Governments as a sort of equivalent for what England cannot give in the Crimea—a land army as strong as the French; accounts can, however, hardly be said to have been balanced by a mere blockade of Cronstadt, Revel, &c. That such an alliance between traditional enemies, is, in case of continued ill success, pregnant with dissensions, has, moreover, been already shown by facts. You will find in yesterday's *Times* a letter from General Sir DE LACY EVANS, who defends his conduct in the battle of Alma against some malicious insinuations of a correspondent to the *Indépendance Belge*. This letter is the first important revelation of the struggle which Lord RAGLAN had to carry on, and was really carrying on to his very last day, against the assumed presumptuousness of the French Commander-in-chief. They have hardly landed, they have not yet fought the Russians, and they are already paralyzed by suspicion and jealousy of each other. "On reaching my division," writes Sir DE LACY EVANS, "Lord RAGLAN expressed to me a dissent from part of the plan alluded to, mentioning also, in the course of his remarks, a disposition he supposed to exist on the part of the Marshal or the French chiefs to appropriate me and my division altogether, which he could not allow; that he had no objection to my communicating and cooperating with the Prince's division, but could not consent to my receiving orders through any one but himself." This is pretty clear. We are sure to have, sooner or later, revelations, on an extended scale, respecting the secret history of the Allied headquarters in the Crimea, and then it will be seen that the English Commander-in-chief was not so much on his guard against the Russians as against the French. We may even live to see the production of the *secret instructions* by which Lord RAGLAN has been ordered how to shape his conduct toward his French colleague in command, in order that while friendship be maintained and cemented, the independence and dignity of England's small army should not be sacrificed. Lord RAGLAN was most successful in following those secret instructions, the existence of which admits of no doubt, but it remains to be known whether his success in that respect was not the main source of the failures and shortcomings in the siege of Sebastopol. The last dispatch of the late Commander-in-chief contains a few lines showing the latent displeasure with which PELISSIER's mode of carrying on the war was viewed. "It was at first proposed," writes his Lordship, "that the artillery fire should be resumed on the morning of the 16th, and should be kept up for about two hours, for the purpose of destroying any works the enemy might have thrown up in the night;—but on the evening of the 17th it was intimated to me by General PELISSIER that he had determined, upon further consideration, that the attack by his troops should take place at 3 the following morning." It is evident that Lord RAGLAN did not like this "intimation," and though his dissent from the course pursued is veiled by an artful implication of his own seeming acquiescence in what took place, still the truth transpires, through that veil of words, in sufficient strength, when he observes that "the result has shown that the resources of the enemy were not exhausted;" which means that it would have been better to resume, as "at first proposed," the artillery fire. Lord RAGLAN gives, moreover, a character to the attack on the Redan, which, if correct, would stamp it as a mere move of chivalrous service in behalf of the French. He says that the French encountered the most serious opposition, both from musketry and the guns in the works, which had been silenced the previous evening; "and, *observing this*," (he continues,) "I was induced at once to order our columns to move out of the trenches upon the Redan." Now it may fairly be asserted, that this "inducement" was provoked by no hope of success, but merely by the apprehension of recriminations against the English, should they not have been moved forth to take their part in the attack which (this must be kept in view) the French *had already failed in*, when his lordship was "induced at once to order his columns to move out of the trenches." But this warfare by the policy of politeness-masked jealousy—this constant anxiety about his nation's honor being tainted by the encroachment of French ambition on *his* field of action, must, naturally, be resented on the bodily constitution of a man of Lord RAGLAN's age, and so we heard that the load of serious responsibility and clandestine moral struggle was too much for him, and that he left the field of defeat on the Waterloo-day, to die from exhaustion, and, perhaps, *grief*.

Strange it is, how the chief personages in this war are falling away, one by one. ST. ARNAUD, NICHOLAS, and RAGLAN are *dead*, ADERBERG, DROUIN DE LHUYS, and CANROBERT are *dismissed*, while MENSCHIKOFF is as good as buried. And the armies are melting away under the fire of batteries and under the heat of fevers, and Sebastopol seems to yawn like the hole of Curtius, waiting to be filled up by the representative of some real principle.

I have no time left to comment upon NAPOLEON's speech to his legislators, but you will see that he is growing copious in words, in proportion to the poverty of acts to boast of. I never read a speech filled with more palpable falsehoods and distortions than this imperial *Magna*.

Major Farnsworth and the Worth Legion—Recruiting for the Crimea.

To the Editor of the New-York Daily Times:

In an editorial in your issue of Friday last, "Recruiting for the Crimea"—you say, "JOSEPH HOWE, a well-known man in Nova Scotia, came down eventually to New-York, where he had several interviews with different prominent members of the Worth Legion, amongst whom we need only mention DE BOISGARD, FARNSWORTH and PICTON." Permit me on behalf of the "Worth Legion," to deny the truth of your assertion. No "prominent members of the Worth Legion, (DE BOISGARD and PICTON not being members of that organization,) ever had an interview with Mr. HOWE in regard to the subject you refer to; and as for myself, I never had any intention of attaching myself to the contemplated "Rifle Brigade," and never conversed with Mr. JOSEPH HOWE on the subject.

By giving the above publicity, you will much oblige. Yours, &c., ADRIEN FARNSWORTH.

AFFAIRS OF ITALY.

Unexpected Success of Italy—Revenge in Still Contingent Accounts—Some Political Reminiscences in Mazzini's Correspondence—Fortunes of the Two Sicilies—Rising Insurrection.

Correspondence of the New-York Daily Times.

TURIN, Monday, June 25, 1855.

The intelligence from all parts of Italy clearly indicates that the despotic Governments of the Peninsula grow daily more nervous as the protracted events of the war threaten to involve all Europe in the struggle. At Rome an attempt has been made on the life of Cardinal ANTONELLI, the Pope's chief advisor. The history of this man is rather curious; he belongs to family well known in the Roman States for their highway exploits and daring brigandage. He is a clever, crafty priest, employed by Austria to conduct the interests of the Roman States; or rather the interests of despotism. The Cardinal ANTONELLI has brought the Papal States to bankruptcy and made his Pope unpopular by politically preserving all classes since 1849, when the Pio Nono was fully restored to his throne by the united forces of France, Spain, Naples and Austria. Well, it appears a member of the secret society of Italy had long since sworn vengeance against the Cardinal, and a few days since they put this threat in practice. One DEFLUNO tried to stab ANTONELLI coming out of the Vatican, but made a vain effort, and was arrested and is now going to be tried by the Sacred Consulta, a sort of inquisition, which still exists in Rome. The man, who is by trade a hatter, seems to be a half-witted fellow. No doubt he will lose his life. The affair has created a great stir in Rome, and proves the powers that be are not safe from the hand of the assassin. It is a very painful state of things, brought about by the ignorant Governments of Southern Italy.

The Government at Naples is so much alarmed by the progress of the war, and the sympathy which the people express for the Western Powers, that it is now forbidden to speak on the subject, and the police have orders to punish all who report events of the Crimea, by flogging in the first instance, and then they are to be tried on for a State offence. This is an advance, if it be put in practice, on the worst features of the Neapolitan Government. Meanwhile, the Court and the King sympathize with Russia, and his Majesty supplies the Czar with sulphur to make his powder. The English and French Ministers, are not of course, in very high favor at Court, but the United States Minister gets on better than either, and yet supports the interests and dignity of the Union.

Vesuvius is again quiet. It appears that the late eruptions have destroyed much valuable land.

By the way, I should tell you the ex-Minister of 1848, Baron POERIO, and his companions, long confined at Montefusco in irons, have been conveyed to a new prison. They suffered very much on the journey, from being in chains. What a disgrace to Europe that such barbarity should be exercised against men whose only fault is that of supporting representative Government! You will remember that POERIO and his fellow-victims are the persons referred to in Mr. GLADSTONE's pamphlet on Neapolitan affairs, which pamphlet was reprinted, I believe, in the United States.

Nothing remarkable has taken place in Tuscany. The Grand Duke is trying to get up a native army, but there is no money in the country, and the people are not inclined to take service. In Parma and some of the small States of Italy, some people have been condemned to death for conspiracy against the Government. In Austrian Italy (Milan) large forces have been collected of late to awe the people, who hate the Germans with all their heart.

Here in Turin the events of the war form the only subject of interest. General LAMARMORA, who commands the Piedmontese contingent, is placed with his troops on the Tchernaia, a sort of defensive position, to cut off Russian supplies. They have not yet even had a brush with the enemy. All accounts agree in the excellent condition of this corps, which appears to be well provided for a long campaign. Some cases of cholera have broken out among the men, and one General of division has died of this scourge, which appears to be now a European disease, for we hear of cholera all over Italy.

The Convents bill has passed, after much opposition, so that we shall have fewer of these institutions, which are of no use to the present state of things even if Italy, while they keep hundreds in idleness.

The King of Piedmont is going to Paris to visit the Universal Exhibition, and hundreds of Sardinians have left and are leaving for the same purpose. The country continues to be very prosperous, and the trade of Genoa is increasing daily.

It is said that the Italian despotic Sovereigns, fearing for the safety of their thrones, will form a grand army-league, like the Kings and Princes of Germany. Austria and Naples are to be the head of this Union, and it is proposed that in case of revolution all are to join and help each other. But the French, who have still a force in the Roman States, are opposed to this, and will not allow any such contract. So there is again material for a rupture. Altogether things look very threatening and revolutionary. I don't think we shall have a permanent power in Europe for many a day to come.

The Ailanthus.

To the Editor of the New-York Daily Times:

As I am a daily reader of your paper, I have been interested in all that has been said, pro and con, respecting the *Ailanthus* tree, which has been an especial pet of mine ever since its first introduction to our Northern cities.

I believe I was among the very first to set out this tree in the streets of Philadelphia, having planted several in front of my dwelling house more than twenty-five years ago. These trees are still standing, large, beautiful and clean, they are ornaments to the square, and until within a few years past (when it has become the *fashion* to abuse it) the Ailanthus has never been supposed to be a dirty, unhealthy, or poisonous tree. Its blossoms certainly do have a strong smell for a fortnight, and the smell is certainly not an agreeable one; but we are more than compensated for the trifling annoyance by the exemption from worms and insects, which infest nearly all the other trees in our streets.

Considering the far from cleanly condition of the streets both here and in New-York, and the thousand and one odors which assail the nose, we might certainly be able to bear with the Ailanthus for a fortnight, in view of its many merits.

You have done the Ailanthus injustice in another respect also. You say it is a "worthless" tree. Permit me to tell you that the wood of the Ailanthus makes most beautiful furniture; when polished it is something between maple and satin wood, much more beautiful than the maple. I have several articles of this furniture in my house, (which for beauty of wood cannot be surpassed,) made from Ailanthus trees grown by myself. For all purposes too, where white pine would be used, the Ailanthus would answer and would be much handsomer.

The wood could also be made use of in the manufacture of paper, and as no worms would touch it, this paper would be very valuable where an indestructible paper is required.

I don't think the Ailanthus runs any danger of being abolished, though a foreigner, (if it is a foreigner.) It is too well naturalized now, and only "foreign-haters" will seek to deprive it of its rights and of its comforts.

Do you know that the *female* tree emits no odor? Why not plant them, if the male tree is too odorous for the weak nerves of the Gotham[illegible]?

Yours with respect, PHILO-AILANTHUS.

PHILADELPHIA, July 13, 1855.

P. S.—The rapid growth of this tree, is very much in its favor. An Ailanthus tree of twenty years growth, is as large as an oak or chestnut of double that age.

THE PROHIBITORY LAW.

LIQUOR IN THE CITY AND COUNTRY.

REGULATING SMITH'S OPINION.

THE FIRST LIST.

There is nothing new in relation to the liquor traffic at the Police Courts. The same course was pursued yesterday by the magistrates as heretofore. There is, it will be seen, a remarkable increase of cases of intoxication on the eastern side of the City. No less than 31 cases came before Justice Welsh, at the Essex Market Police Court. At the Tombs there were eight, and at Jefferson Market four. The embrace total of 22. Policemen as well as lawyers must be making out pretty well; and no doubt some of them, those who are not overburdened in their opportunities, have an objection to a prisoner going up an alley-way. It's a special thing to be punished and afterwards examined; besides it is the better policy to give a Y on the spot than a X in open Court.

The following are the complaints:

JEFFERSON MARKET.

Before Justice Bosworth.

Michael Cullen, No. 363 Sixth-avenue, purchased some liquor in the corner of Cliff and John streets, and drank it; also drank beer at the Hebrew Party.

Alexander Andrews, Long Island, drank beer at the corner of Rivington-street, East River; also drank brandy there; drank at the corner of Grand and First streets; drank beer and St. Croix rum; drank rum in a number of other places, too numerous to name.

Catharine Hogan, No. 144 Twenty-eighth-street, drank no liquor last night; drank beer, but did not pay for it.

Peter McClelland, stevedore, was a little intoxicated; drank two glasses of gin; could not tell where he got it; was treated by a friend.

Frank Schaefil, No. 251 Houston-street, was not intoxicated; did not drink any liquor.

Henrietta Strong (no residence given) believes it was gin she drank; keep bad liquor in Yorkville; can't tell where she got the liquor.

TOMBS MARKET.

Before Justice Welsh.

James Nolan, Sixth-street, drank part of his liquor in a friend's house; drank some grog in South-street.

Catherine Perkins, No. 66 Monroe-street, got her liquor at Mrs. Shadfield's, Water-street.

Julia McQuade, No. 212 Monroe-street, don't know where she got her liquor.

Mary Finney lives out of the City; can't tell where she got her liquor; found drunk in Houston-street.

Patrick Noonan, Avenue B, got his liquor in Bayard-street; drank beer and brandy.

Daniel Smith, No. 67 Carmine-street, found asleep; don't know where he got his liquor.

James Tuomey, No. 278 Eighth-street, got drunk at his sister's.

George Nuffert, Ninth-street, got his beer and brandy in Thirteenth-street.

Susan McClelland, from the country, got her liquor somewhere in the First-avenue.

Wm. Cochrane, No. 240 Twelfth-street, don't actually know where he got his liquor.

Michael Finnigan, No. 176 Avenue A, got his liquor either in Twentieth or Twenty-first-street.

Ann Dalton, No. 98 Crosby-street, can't tell where she got her rum.

Mary Crawford, No. 26 Howard-street, got her liquor from Ann Dalton.

Hugh Daly, No. 40 Emanuel-street, got the important at the corner of Gouverneur and Cherry streets.

Elizabeth Wood, Jackson-street, got her liquor all around.

Peter Sweeney, No. 111 Elbridge-street, found his way at several places.

John Williams, Justice, L. I., can't tell where he got his liquor.

John Cashell, Brooklyn, got the most of his liquor there before he crossed over.

Bridge Hare, Mechanic, can't tell where he got his liquor.

Charles Reuss, No. 16 Norfolk-street, got his liquor on an excursion.

Peter Finley, No. 12 Hamilton-street, drank some liquor in Jefferson-street.

AT THE TOMBS.

Mr. George Hall says he lives in Rector-street; admits having drunk intoxicating liquor yesterday in various places in Pearl-street; don't know the number nor who keeps the place; he was not drunk exactly, but thinks he must have been sun-struck.

William Davis lives at No. 37 Oliver-street; says positively he did not drink anything at all yesterday; he was very tired walking around yesterday, and in the evening sat down on the steps of his house and fell asleep.

Robert Rowland says he lives at No. 97 Mott-street; drank something yesterday at Mr. Patrick's, in Duane-street, near Broadway; either he paid for it or his friend, he don't know which; and now his friend has deserted him, just at the time when he needs his assistance.

George Owens lives somewhere in Oliver-street, he believes; says he did drink something like liquor yesterday, but don't know where he got it. His case is similar to Mr. Rowland.

Daniel McCarthy, of nowhere; drank four glasses of ale last night; got it at James Hill's Porter House, in Morris-street, near West; Mr. Hill's son, Frederick, waited on me; paid three cents a glass for the ale.

Richard Mansfield says he has been living at Mr. Pease's Mission, in Little Water-street; drank liquor at various places yesterday; did not mean to get drunk; was very anxious to go back to the Mission again.

Miss Martha Irwin lives at No. 133 Duane-street; sent her servant girl out for it; don't know where she bought it nor what she paid for it.

Liquor Prosecutions—Correspondence.

NEW-YORK, July 11, 1855.

MESSRS. COLEMAN & STETSON—*Gentlemen*: According to our best information and belief, the sale of liquor continues at the Astor House just as before the Prohibitory Law went into effect. We are willing, however, to assume that you honestly believe such sale of liquor is not a violation of law; that you hold, with many others, that the Prohibitory Law is unconstitutional and void, or that imported liquors are excepted from its operations. In the name, therefore, of the New-York City Temperance Alliance, I respectfully invite you to meet us in the Supreme Court, to contest the above points of law, or any others your counsel may raise relative to this whole subject. We wish an amicable discussion and a judicial decision of every point.

If we enter complaint for a single violation, will you acknowledge the sale of a bottle of wine, a glass of brandy, or any other quantity of any intoxicating liquor? And will you waive a jury trial, and so direct your counsel as to favor the earliest possible presentation of the case to the Supreme Court?

We make this offer in good faith, and with a high regard for your personal character and public standing. An acceptance at your earliest convenience will insure the immediate adoption of measures to bring the matter before the Court without delay. In behalf of the New-York City Temperance Alliance,

C. J. WARREN,
Corresponding Secretary.

REPLY.

ASTOR HOUSE, NEW-YORK, July 11, 1855.

MR. C. J. WARREN—*Sir*: In reply to your letter of this date, we have only to say that we are acting under the opinion of eminent jurists, who believe the law, which authorizes the seizure and destruction of our property to be unconstitutional.

Confiding in the wisdom and justice of our judicial tribunals, and prepared as law-abiding citizens to conform to their decision of this question, we do not feel called upon to depart from the course we adopted when replying to your former proposition. Very respectfully, &c.,

COLEMAN & STETSON.

Recorder Smith's Opinion.

On the 10th day of July last, Mary Martin made an affidavit before Police Justice Welsh, in which she alleged that, on the 6th day of July following, intoxicating liquor, to wit, brandy, was sold to her by the defendant, Thomas Dowd, in violation of the provisions of an Act entitled, "An Act for the suppression of intemperance, pauperism, and crime, passed April 9, 1855; and that she paid for said liquor, and drank the same in the presence of the defendant. Upon this affidavit, Justice Welsh issued a warrant for the defendant; the parties were examined, taken before the Justice, and bound to answer the charge at the Special Sessions. On the trial, which came off on Monday last, the defendant waived his right of trial by jury, and, the charge being read, pleaded not guilty. Upon the trial the defendant admitted that he sold brandy to the witness, Martin, at the time specified by her affidavit, but coupled the admission with the avowal that the brandy sold was imported. Notwithstanding the admission of the defendant, the witness, Martin, was sworn on behalf of the people, and confirmed the facts as set forth in the affidavit of the Justice, by the testimony of the witness, as stated in the minutes of the Justice, which had been read, and in reply to a question by the defendant's counsel, she stated that the brandy sold was not imported liquor. The counsel for the defendant then moved the Court to dismiss the complaint, upon a construction of the second section of the Act, which provides that "the provisions of this act shall not apply to the sale of wine or other liquor for the Sacrament, nor to the sale of wine or other liquor imported in the original packages." It would have been perfectly in accord with the construction of the Act, which we have had the occasion to make, to have dismissed the complaint.

From the above recital, it will be seen that we have adhered to the power to grant licenses in all liquor suits, in the City of New-York, when conferred by the Mayor and Common Council. The same Act in the second section gives the power to grant licenses, also, in other cities, and, under the provisions of the Excise Law, penalties that could be enforced by civil remedy, and also, fine and imprisonment, to be enforced by a criminal prosecution for a misdemeanor.

The fourteen of the Ninth section of the Act provides for selling liquor without such a license, and was prosecuted in the then existing form. The fourteen then enumerated are apparently abolished by the 24th section of the Act of April, which provides that "all the penalties and forfeitures in the second section of this Act, I know it has been contended that the penalties under the statutes existing before the Act of April are still in force, and are not affected by the last mentioned Act. That the penalty imposed there was for selling liquor without a license, and that now, when no license can be obtained to sell, has no object or aim, in our observation. I do not so understand the law. The penalty under the old statute was a specific penalty imposed for selling without the specific license mentioned in that Statute. The penalty for the penalty is repealed by the 24th section of the Act of April. The penalty conflicts with the law that created it, and we must look to the new law, to the Act of April, and that only, for the license and the penalty. The 24th section of that Act is broad and sweeping in its terms: it repeals "all the Acts and parts of Acts, and all Charters and parts of Charters" inconsistent with the Act. The Legislature in framing that section clearly intended to repeal such a repeal, and for the purpose of preventing actions then in progress from being affected by it, enacted, that no trial commenced or indictment found before the Act took effect should in any manner be affected thereby. There would have been no necessity for the last paragraph of the 24th section, if the Legislature intended that the old penalties for selling liquor without a license should remain operative. The question then before the Court is, has the defendant violated any of the provisions of the Act of the 9th of April, and if so, what penalty has he incurred? The first section of the Act reads as follows:

"Intoxicating liquor (except brandy for medicinal purposes) shall not be sold or kept for sale, or with intent to be sold by any person for himself or any other person in any place whatsoever; nor shall it be given away, (except as medicine by physicians pursuing the practice of medicine as a business, or for sacramental purposes), nor be kept with the intent to be given away in any place whatsoever, except a dwelling-house in which, or in any part of which, no tavern, store, grocery, inn, house, boarding or victualling-house, or a room for gambling, dancing, or other public amusement, or recreation of any kind is kept; nor shall it be kept or deposited in any place whatsoever, except in such dwelling-house as above described, or in a church or place of worship for sacramental purposes, or in a place where either some chemical, mechanical, or medical act requiring the use of spirituous liquor is carried on as a regular branch of business, or while in actual transportation from one place to another, or stored in a warehouse, prior to its reaching the place of destination. This section shall not apply to liquor, the right to sell which, in this State is given by any law or treaty of the United States." And this section ended at the word "destination," the position presented by the counsel for the defendant would not have arisen. But, it is now contended by the counsel, that although his client has sold liquor without license, he has not violated any of the provisions of the act, of April or of any existing statute. That the latter clause of the first section in terms excepts imported liquors from the operation of the act. That, the right to import liquor into this State under the law and under treaties of the United States is conceded. And that the right to sell is incident to the right to import. The fact, I think, cannot be disputed, that this law was passed as an originally drawn bill. That it was not the offspring of one mind, but on the contrary, that section after section was passed by different persons, that it was altered and remodeled to meet different views, and to silence prejudice against certain sections, and that the necessity for these frequent alterations, additions and amendments, arose from the fact, that without them the bill would never have become a law. Whatever may have been the intention of the framer or framers of the latter clause of the first section, we cannot only derive from the language embodied in it. The judicial construction must be predicated upon that, and that alone. Whatever the intention of the Legislature might have been, is a matter of no moment in the consideration of penal statutes, unless that intent is clearly and distinctly expressed. In other words, if the disputed point is so ambiguous as to admit of two constructions, that construction most favorable to the party to be affected by it, is the construction that must prevail. "The laws which restrain, such as those that forbid anything that is not in itself unlawful, or which derogate in any other manner from the general law of the land, which inflict punishment for crimes and offences or penalties in civil matters; those which prescribe certain formalities; the laws which appear to have any hardship in them; those which permit disinheriting and others; the like, are to be interpreted in such a manner as not to be applied beyond what is clearly expressed in the law, to any consequences to which the laws do not extend. And, on the contrary, we ought to give to such laws all the temperament of equity and humanity that they are capable of." Is not this not one to which this rule of law applies? It is an act in derogation of the common law, highly penal in its nature, destructive to property in its consequence, jeopardizing liberty, and inflicting the loss of social position and civil rights, summary in its execution, granting extraordinary powers to irresponsible persons, and affording no adequate redress to the parties injured.

Apply the doctrine, which I have above stated to this act, the justice of which cannot be fairly questioned, has the defendant violated any of its provisions, and if so, what is the penalty incurred? The first question which arises is, is there any law or treaty of the United States which gives the right to sell imported liquor in this State?

The affirmative of this question is too well settled to be seriously contested. But it is contended that though the right to import, carries with it the right to sell, yet the right is confined to sales in the original packages, and when, that when the liquor leaves the hands of the importer and gets into the hands of the jobber or consumer, the right to regulate the traffic in the article is vested in the State Government, and is subjected to such excise, laws and regulations as by the State Government may be adopted. That question has been so decided in the United States Courts, and is now the settled law of the land. But does the question involved in these decisions arise in this case? The first section of the act says it does not apply "to liquor" the right to sell which is given, &c. The exception in the section is in favor of the liquor—*imported liquor*, and therefore the decisions of the United States Courts do not comply to the question before this Court, upon the construction of this statute.

We have no right to say, in construing a penal statute, that the insertion of a clause in the law that was entirely unnecessary to carry out what is now alleged was the intention of the Legislature, was inserted merely for the purpose of avoiding the oft agitated question relating to the sale of imported liquor, which had heretofore embarrassed the law of prohibition; and that the latter clause of the first section was inserted for the purpose of declaring that the law was not in conflict with the decisions of the United States Courts upon that question. Effect must be given to every portion of a statute. Unless it was intended by the Legislature to exempt imported liquor from the operation of the act, it would have been very easy by leaving out entirely the latter clause of the first section, or by a slight change in the phraseology, to have obviated all difficulty as to the effect of the latter clause, so far as that question is involved. Suppose the section had read thus: "This section shall not apply to the sale of imported liquor in original packages in the hands of the importer, in any case where the right to import such liquor is given by any law or treaty of the United States," then the statute would have been clear and free from this embarrassment. It has been claimed that the act should be construed as if it read as last stated. I cannot so construe it. Judicial officers do not possess legislative powers; and where liberty, reputation, and property are at stake, Courts have no right to assume doubtful ones. It is therefore received into this: The section exempts imported liquor, that being the liquor the right to sell which is given, because the right to import implies the right to sell, and the exception being absolute, it is taken out of the restriction imposed upon other liquor.

Although the 22d section of the act declares, that the act shall not be construed so as to prevent the importer of foreign liquor from keeping or selling the same in the original packages to any persons authorized by the act to sell liquor. This refers to the imported specifically. The insertion of that section was wholly unnecessary. The right existed without State legislative permission. The latter clause of the first section is general in its operation, and infers, as I have before stated, to the liquor itself in its broadest and most generic terms. At common law, as I before have had occasion to remark, the traffic in liquor is free. It is by statutory regulations that it is restrained.

The Statutory regulations that existed in this State up to the passage of the act of April last, are all repealed, except that imposing a penalty for the sale of liquor on Sunday, and the act of April is substituted. In that act, imported liquor, as I understand it, is exempt from its operation by express enactment, and the only license that is to be required, is the license under the second section, which, in my opinion, applies to intoxicating liquor, other than which is imported. I suppose, by way of illustration, the last clause of the first section had read—This section shall not apply to "cider," instead of "to liquor," would it be contended that any penalty would attach itself to the sale of cider, without license? The word liquors implying, as it does, from the context, imported liquor, is equally exempt as cider would have been, had the word cider been inserted in the place of liquor. The twenty-second section does not in any way tend to authorize a different construction. It is merely declaratory of an existing right—a right which no State Legislation could interfere with. It was probably inserted before the last clause of the first section was added, and is at most only declaratory of a then existing right under the law of the United States regulating commerce. I have examined this question with great care, knowing the deep interest felt by the community in the question at issue. I have consulted the authorities bearing upon the question involved, and applying the principles of the law, as to the construction of penal statutes to the act under consideration, I have come to the following conclusion:

That it is no offence to sell imported liquor without having obtained the license, mentioned in the act of April.

As the case is presented, it is unnecessary to pass upon other questions arising under the act, as they are not necessarily involved in the merits of the case under consideration.

The defendant is therefore discharged.

In the others cases tried before me, the People on complaint of Henry Hill, on behalf of himself, the very principles are involved, and the facts are substantially the same. The defendant in that case is also discharged. The matter in those cases allow the costs to the prevailing party.

The Duties of Magistrates—Question.

To the Editor of the New-York Daily Times:

I find in the DAILY TIMES every morning a list of intoxicated persons who have been arrested, and an epitome of the testimony elicited on their examination. Some have wonderfully short memories, but some do tell "on oath" where they obtained and paid for the liquor. By section 12 of the new law, I find it is the DUTY of the magistrate, if any offence against the Act appears to have been committed, "to issue a warrant for the arrest of the offender and the search of his premises." Now, I have not learned that any such warrants have been issued, though by the published reports of the testimony there have been several places identified and sworn to. As Editors are supposed to know everything, will you be kind enough to inform me whether the magistrates are selected from the suspicion that they know something of Law, or whether they, like the "Head of the Police," keep a counsel to advise them as they wish to be advised? Not being a lawyer I can only understand the meaning of the words of the law, and as far as my education directs me it appears to me that our magistrates and officers, including Sheriffs and Policemen, are daily violating their oaths of office in a manner truly frightful to behold, and the community allow it without a remonstrance. I am warmly in favor of the due regard and observance of Law generally, and this open violation countenanced in the case of the Liquor Law, will soon be construed *into a general license to disregard all laws.*

Will you oblige the writer, and others by, correcting the *statement (concerning the Law in the* State of Maine) made in the TIMES some weeks since, respecting the seizure and arrest of private persons conveying liquor to their own houses. I think you will not be able to find any section of law to justify the paragraph referred to, which was "leaded" in such a way as to look as an extract from the law named.

May I ask, through you, if there is any member of the Liquor Dealers' Association who will agree, in good faith, to an amicable suit or suits, to test the various questions they have raised respecting the New-York Prohibitory Law, and have it fairly tried and carried to the higher Courts, and a decision obtained? If our present law is unconstitutional, I, with many others, will work hard for its repeal.

NOUS VERRONS.

The Law in Brooklyn.

SUPREME COURT—SECOND DISTRICT—GENERAL TERM—July 17.

Before Judges Brown, Strong and Bockwell.

The People vs. *Philip Bierbericks.*—This case came up on a return to a writ of *certiorari*, in the case of the above-named defendant, convicted at Poughkeepsie of keeping and depositing intoxicating liquors, to wit: Lager Bier in violation of the Act entitled An Act for the Prevention of Intemperance, Pauperism and Crime.

The defendant had been charged as above on the oath of John E. Valsor and Joseph Rossil, before the County Judge of Dutchess County, ROBERT Q. ELDRIDGE, Esq., as a Court of Special Sessions.

Defendant's counsel had then moved that he be discharged on the following grounds:

1. Because it did not appear from the complaint and affidavits but that all liquors sold by the defendant were imported, or that the same is prohibited by the act.

2. That it does not appear but that the defendant is the importer, and that the liquor is not in the original packages.

3. Because no one can be prosecuted except the person who has taken out a license and executed an undertaking.

4. Because there is no offence charged against any valid law, that is, that the Prohibitory Liquor Law is unconstitutional and void.

All these objections were then overruled by the County Judge, and the defendant demanded an examination. Refused.

Defendant then offered bail to appear at the Court of Sessions or to the Oyer and Terminer. Both offers refused.

Defendant then demanded a trial by Jury, and twelve were summoned, but only six were drawn and sworn. Defendant demanded twelve men. Refused by the Court. To all these rulings the defendant excepted and the trial proceeded.

A writ of *certiorari* was served on the Judge on the 11th, and the argument adjourned till this day.

Mr. J. F. Barnard, of Poughkeepsie, for the defendant, having read the original writ and return setting forth the above facts, moved for the discharge of the defendant. The chief objection he desired to raise was the last one enumerated, and the points were these: First, for the reason that that part of the law which prohibits the sale absolutely is unconstitutional and void, the Legislature had no power to prohibit. If it was constitutional, the proceedings should show affirmatively that an offence had been committed, showing that the liquor was liquor not imported, but manufactured in the State of New-York. In other words, that the exception applied to liquor in whatever packages they were contained.

When the words of exception were contained in the enacting clause, they must show it does not come within the exception; further, the Constitution of the United States, and of the State of New-York, gave every citizen the right not to be restrained or held to answer for any infamous crime without being indicted by a Grand Jury. Well, was this an infamous crime? An infamous crime was where it disqualified the person convicted as a witness or juryman; and this very act made a person convicted incompetent to be a juror, and so goes to the very essence of what is by the common law called infamous crime.

The statute, it was true, called only felonies infamous, but the Constitution was higher than the statute, and the statute could not change the meaning or the language of the Constitution. Again, the law was unconstitutional in that it deprived the citizen of liberty without due process of law. In this it was anomalous and a course unknown to the law.

There was also a lack of power in the Legislature to make a County Judge a criminal officer at all. There was no power given by the Constitution to make the County Judge a Court of criminal jurisdiction, except as a Court of Sessions, with certain Justices elected for that purpose. There was no power to make Criminal Courts at all, except Courts of Sessions and local Courts in cities, of uniform organization and jurisdiction. For these reasons they moved for his discharge.

Judge Brown—Your point is that due process of law, means the proceedings of the common law and a Jury of twelve men.

Mr. Barnard—Certainly, your Honors.

Mr. Campbell—(District Attorney of Dutchess County for the People)—replied, arguing in the first place that there was no power under this statutory *certiorari* to discharge the defendant, while he was held under a color of legal authority, but that he must be left to his action or his common law *certiorari*.

Judge Strong—But they go further here and say that there is no color—that there is no Court at all.

Mr. Campbell—I understand that, but I contend there is a color under this statute, and it is a point for this Court to decide. With respect to the constitutionality of prohibiting liquor as a beverage, the people had surrendered all their right to make laws to the Legislature.

Judge Brown—It is only a qualified surrender.

Mr. Campbell—Qualified, certainly, so far as to preserve the inalienable rights of man. There is no other qualification, except those expressly reserved.

Judge Strong—The Constitution guarantees to us a Republican Government and laws, and there can be no power to enact despotic laws.

Mr. Campbell—The difficulty, then, is to say what are despotic laws; if we could say that, it would be a different thing. It has been held in the United States Court, that nothing applies to a State except the power is given, and where the Constitution is silent, then every State Legislature has the right. There is scarcely any limit to this legislative power, and the people have only the power to withdraw it by appointing new legislators. The constitutional limits of the legislative power must be strictly construed. The Constitution of 1846 said the old law, such parts of the common law and acts of the Legislature as existed in 1777, and by the resolution of 20th April following, shall exist in the Legislature.

Proun J.—That is a mere adoption of constitutional rights. We want the Constitutional rights.

Mr. Campbell—We say then the People of the United States are not left under despotism. They have constituted their necessary rulers. They do well and done in the elementary written. Least says that the principle of the English Parliament being omnipotent does not extend to the United States. If there be no constitutional objections, it is with us as absolute as in any other country. But in this, as in all countries where there is a written constitution an act may be void as against the Constitution.

To proceed to another point, what was a capital or infamous crime? If this was not one the point as to his right to give bail and appear before the Grand Jury fell to the ground. Such right was only guaranteed in those cases; and would they say this was an infamous crime? If this part of the statute was objectionable and void, was the whole statute therefore void? The Court must surely only say that such is unconstitutional; but they (counsel) said that was not necessary. They found infamous crimes defined in the Revised Statutes, (2 R. S. 702, old paging,) and this statute now incorporated into the revised statute, existed before the two last Constitutions were passed, and they must consequently have been passed with reference to this statute, and the legal meaning of the word as therein defined. The common law did not at any time include misdemeanors in the class of infamous crimes; but it is said that the statute, by a subsequent provision renders him infamous, but it was surely too far-fetched to say a man was rendered infamous "because he was disqualified from serving on a jury." A man was required to have $250 in property to qualify him, whereas, he might be a Senator without sixpence. And would they argue a mere disqualification of, or objection to a juror made him infamous.

They supposed this was not unconstitutional with regard to the Constitution of the United States in any respect. In the 5th of Howard a case was reported, in which it is held, in passing *upon the law of Rhode Island*, that *they had the* right to pass such a one if they did not pass a law *to prohibit the sale of imported liquors in bulk.*

Another point was, that the warrant was insufficient. *Upon this point, he referred to the 4th Barbour's Reports, 2 R. S., 707; and Payne vs. Barnes, in the 5th Barbour.*

This State made no new provisions for issuing warrants. They were to be issued according to laws already existing that stated how warrants were to be issued. There was no necessity to show that the liquor was not imported. It was for the defendants to show that it came within any exception as a matter of defence.

The case in the 5th Howard went the whole length of sustaining a prohibitory law as long as it did not restrain the right of sale of imported liquors in the original packages.

Mr. John Thompson followed on the same side. He first recapitulated the facts as before set out. There were two questions in this matter, and only two. The case referred to in the first of Barbour did not apply to criminal proceedings. It was there determined they would not go behind the colorable authority of the Judge. This law was not infringing any article of the Constitution of the United States or of the State of New-York. It was contended that the first section pretended to prohibit the sale, and then by a proviso nullified the law altogether. The most healthful tone of the old Excise laws was given to them by the Judiciary after they had lain for twenty years as a dead letter; and it was only by repeated charges from their Honors to the Grand Juries on their several circuits they were brought to enforce it. When he considered this, he was satisfied the Court would pause before they pronounced this law unconstitutional. It was no light thing for a Court to pronounce a solemn act of the Legislature unconstitutional. We all knew that with all the restraints placed on the traffic by those laws, it was still strong and vigorous; and without any restraint, as it would be for six months, if the Court now declared the law unconstitutional, the flood gates must be opened wide, producing disastrous results. Knowing this, he was satisfied the Court would look and listen patiently. It was not for the Counsel or the Court to say whether they would advise such a law. The question was, Did this law infringe upon the Constitution?

All the proceedings were strictly conformable to this law. (Counsel here read extracts from the act.) *By* section 6 it was provided that the trial should be before a Judge in Special Sessions, whether a Judge of a County Court or not.

In Gould's Pleadings, page 179, section 22, the distinction between an exception and proviso was pointed out. In the 15th section it was said where the exception is in the enacting clause, as where in the Excise Law persons were prohibited from selling, "not having a license," then it must be stated in the complaint that he has not a license. But provisos were only matters of defence. On this point there were several cases there cited. In page 291 of Barbour's Criminal Treatise, this point was further elucidated, and it was expressly there laid down, and the case referred to was in 1 Term Reports, page 320, that where the proviso was in a subsequent clause, though in the same section, (which was this case,) it need not be stated in the complaint. The first part of first section of this law first prohibited the sale, or keeping for sale; secondly, giving it or keeping it to give, then in another sentence followed the clause that the section should not apply to any liquor authorized by any law or treaty of the United States, to be sold, making it a technical proviso. The Judge had jurisdiction of the trial in Special Sessions. The article in the Constitution as to local Courts did not apply relating to cities only. Here the County Judge was elected to preside in the County Court and Court of Sessions, and to do such other duties as may be required by law.

By this law he was detailed to do this duty, and it was only transferring the jurisdiction in Special Sessions to him from the Justices of the Peace.

Brown, J.—You don't claim that the Legislature has the right to establish new Criminal Courts out of cities?

Mr. Thompson—I say this is not a new local Court, but a Court of Special Sessions, to which the Judge is detailed. Did this act create any offence? It did. Firstly, to sell or keep for selling; secondly, to give or keep for giving; and thirdly, to deposit except in certain places. He believed that the gentleman who had the honor of first discovering that the proviso in the first section nullified the whole, was the Corporation Attorney of New-York. But he could not have read the act. He (Mr. Thompson) would like to see the law or treaty of the United States which excepted imported liquor. He could never find such a law; and he had the authority of Mr. Marcy for saying that there was a treaty relating to wine in 1832, and which expired in 1842,—since when there was no law of the United States which allowed liquor to be sold.

Strong, J.—It is allowed to be imported.

Mr. Thompson—If the proviso is interpreted as it is attempted to be it would nullify the law altogether.

Strong, J.—That may well be.

Mr. Thompson—I may here refer to a rule of construction as laid down in 1 Blackstone's Commentaries page 89. Where words are themselves doubtful or repugnant to the whole law they are void.

Brown, J.—We shall have to ascertain what they mean by what they've said.

Mr. Thompson—And in Kent's commentaries it is said that the intention must be taken from a view of the law altogether when the words admit of an ambiguous or dubious meaning.

Strong, J.—But the other side say they do not admit of a dubious meaning. They are not doubtful at all, but as explicit as they can be made.

Mr. Thompson—But we are not to say that the Legislators are a set of dolts and fools, but rather that they comprise the supreme wisdom of the State. Suppose a pipe of brandy came into New-York and I got a little of it at Pokeepsie, and your Honor a little in Long Island, and Mr. Bierbericks got a little in his shop. If this proviso is to extend to it all it would produce interminable confusion.

Judge Strong—I have heard that the history of that provision was, that it was introduced by a member of the Bar, an eminent one and an eminent friend of the Temperance cause, and in words that would have been effectual, but that those words were struck out and these introduced by a member who was not any great friend of the cause.

Mr. Thompson—Your Honor may have been more behind the scenes than I was, and if that was as you say, it may explain some observations outside, and that it was perhaps not friends, but enemies of the law that had the final fixing of it. Is it a valid law? Article 3, section 1 of the Constitution gives to the Legislature the supreme power, except where excepted by the Constitution, to declare what is a nuisance.

Judge Strong—Have they the right to say corn is a nuisance, because whisky may be made of it, and to say no one shall grow any more?

Mr. Thompson—They have the right to legislate as to police and sanitary measures, and they have accordingly said that certain productions from the West Indies shall not be imported in certain seasons—for instance, pine-apples.

After some further illustrations of this argument, Judge Brown said: You do not distinguish between taxing and prohibiting absolutely. It would not be the province of the Judiciary to pass upon it where there is a vote for it and it is a question of expediency. But moral and social evils, which become patent, may be paramount, but a bottle of champagne or brandy won't hurt you if you let it alone.

Mr. Thompson continued to argue there was some reason in this law, but having got out the idea, he would not lengthen his arguments on that part of the case. He contended, as another ground, that it was not a total prohibition. There were still persons who had the right to sell for medicinal and mechanical purposes. The right was transferred from the tavern keepers to them, only somewhat more limited, and inside the old excise laws. In Judge Edmonds' opinion, he had alluded to the New-Hampshire Act, which was a total prohibition—there was no limit at all—and which had been sustained. *Here was no exception. He then alluded to* the search and seizure clause, but the Court said that *that question was not presented here at all.* Counsel proceeded, that it might be said the forfeiture of the goods was a part of the punishment, but that would not make any difference, as it might be imposed as a penalty as legally as a pecuniary fine. Passing to the prohibitory features of the law, he contended that the Legislature could regulate and prohibit.

Judge Brown said the question to deal with was certain elementary principles of law. The right to hold property and enjoy it was the essence of liberty to control it, and a law which denied a man a place to put or keep it in, or the right to dispose of it, was the question of constitutionality. He expressed no opinion, but that was the question to be considered.

Counsel argued that the Legislature had a right to declare that certain property was no property at all, and that they could give power to destroy it if they thought in their wisdom it was for the public benefit. If he had a dog worth $100 and took him out in certain seasons of the year without a muzzle, he was liable to be shot, and he did not see why liquor should not be in the same category with rabid dogs.

The Court asked if the learned gentleman had ever heard of the law for the destruction of dogs without muzzles having ever been carried into effect in private dwellings?

The counsel then proceeded to the consideration of the act, and argued that if, as some lawyers asserted, the prohibitory sections of the old act were not repealed, they were not inconsistent with the provisions of the act under consideration; and that even if the search and seizure clause was declared unconstitutional, the other parts of the law would still remain in full force—as was recently decided in Massachusetts, in a similar case to the present, and under a similar law—the Maine Law.

He then reviewed the various answers of defendant, which he had previously disposed of, and further argued that the offence created was not an "infamous" one. Upon this he cited several old cases to show the original and continued legal signification of the term.

Mr. H. A. Nelson closed the argument in support of the motion to discharge.

The decision was reserved—the Court naming no day for its rendition.

The Traffic in Brooklyn.

Twenty-four persons were reported to the Chief of Police yesterday morning, as having been arrested by the police during the preceding twenty-four hours, for "intoxication" and "drunk and disorderly."

Besides, there were several other arrests of parties intoxicated, charged with more serious offences.

SEIZURE OF IMPORTED LIQUORS.

At 11 o'clock yesterday morning, Officer Mathews of the Mayor's Office, made a seizure of one bottle of brandy and one bottle of wine, acknowledged to be imported, at Messrs. Toynbee & Hopkins' Hotel, Montague-street, which was conveyed in due form and deposited with Justice Daniel K. Smith.

This is to be a tested case, agreed upon between the authorities and counsel of the Kings County Liquor Dealers' Association. A hearing will be had at 8 o'clock this morning.

Of the 24 cases of drunkenness, the following were disposed of:

Before Justice Smith.

Michael Hughes, a shoemaker: Lives in Bedford-street; got strong beer of Henry Holt, on Twenty-first-street, between Third and Fourth avenues; also bought beer of Felix Duffy, corner of Eighteenth-street and Third-avenue, and paid for it; Wm. Le Count and George Van Nostrand, drank with me; got beer in another store on Third-avenue; don't know who keeps it.

James McLaughlin, laborer: Lives on Twentieth-street, near Third-avenue; got some gin at the corner of Nineteenth-street and Third-avenue; don't know who of; it was at a grocery store; also got some brandy of Patrick Gerrity, corner of Pearl and Cross streets; also of an unknown man in Orange-street.

Mary Smith: Lives in Plymouth-street; sent her girl for three cents' worth of brandy, and drank that; got none herself.

Morris Stack—Lives at No. 145 Pearl-street; got his liquor in New-York at about a dozen places; didn't know anybody.

Samuel Keys—Lives in Columbia-street; got his liquor in New-York at McCormick's between Eleventh and Twelfth or Twelfth and Thirteenth and First avenue; drank at no other place.

Patrick Smith—Lives on Church-street; drank gin on Atlantic-street near the Ferry; don't know who keeps the place; drank strong beer at a Dutchman's in Bedford; don't know his name.

Mary Carle—Lives in Baltic-street; got a gill of brandy or gin at a store; don't know where; the same over the door was Rent.

Bridget Brickley—obtained her liquor at Mr. Watt's on Fulton-street, below Peck's hat store.

John Heany, lives at the corner of Van Brunt and Carroll streets; got beer of Docker, at the corner of President and Van Brunt; it was furnished by a girl.

Robert F. Barton, lives corner of Summit and Commercial streets; got brandy in New-York; don't know the place; got none in Brooklyn.

John Martin, says he lives in Baltic-street, and drank no intoxicating liquor yesterday.

Each party was fined $10, and in default of payment, sent to the County Jail for ten days.

Before Justice Jacobs.

George Baker, William Coffee and Frederick Rasham were taken before Justice Jacobs, in the Eastern District, and after examination, were fined $10 each.

Charles Conway was fined $10, for drunkenness, by Alderman Eames, in the Eastern District.

A REMARKABLE INCIDENT.

Engine Company No. 7, of the Eastern District, are making extensive arrangements for their annual pic-nic excursion, and one of the rules adopted for the occasion is that no intoxicating liquors shall be used on the excursion.

Liquor at Niagara Falls.

NIAGARA FALLS, Monday, July 16, 1855.

To the Editor of the New-York Daily Times:

SIR: The Prohibitory Law so far has had the effect to stop street drunkenness with but a very few exceptions, not more than two or three cases of that kind having come to light. We have a nice, snug little lock-up for delinquents, which is a terror to evil-doers, and the good people at the Suspension Bridge have another, which has been occupied for the last two nights and Sunday by a couple of rowdies, said to be from Lockport, where the law is in full force, to the praise of that growing village. M.

Prosecutions Under the Prohibitory Law Throughout the State.

BUFFALO.

FIRST CASE OF IMPRISONMENT UNDER THE PROHIBITORY LAW.—Timothy Hagarty was found drunk in the street Saturday afternoon, and being too drunk for trial, was committed to jail by Justice DRUILLARD to answer the charge. The next morning he was brought from the jail to the Police Office. He was charged on the complaint of Timothy Crowley with being drunk in the public streets of the city of Buffalo, to which charge he plead guilty. He was sentenced by Justice DRUILLARD to pay a fine of $10, $3 50 costs, in default of the payment of which he was sentenced to be confined in the Penitentiary one day for each dollar of fine and costs. The prisoner swore in evidence, on being demanded as to who sold him the liquor, as follows: "To the best of my knowledge and belief, I did not drink anything on Saturday but cider, and I drank next door to the American Hotel, and do not know the man's name that keeps the place, or the person that gave me the cider."

UTICA.

A warrant was issued on Friday for the arrest of Mrs. Ann Mullen, of West Utica, for selling liquor. The examination was to take place before the Recorder next morning.

Myron Taylor, who keeps a grocery on Johnstreet, was arrested on Saturday, and was to be examined before Justice Jones on Monday. The

[illegible]

Burning of the Camden and Amboy Railroad Company's Steamboat John Stevens and Loss of Three Lives.

At 1 o'clock yesterday morning the inhabitants of Bordentown were aroused by the alarm of fire. At first it was difficult to decide whether it was one of the Company's shops at White Hill, or one of the steamboats at the wharf. It was soon ascertained to be the fine steamboat *John Stevens*, running between Bordentown and Philadelphia.

The fire was first discovered by a man fishing near the Pennsylvania shore, but before he could reach the other side the boat was one mass of flame. The pilot, who slept in the boat, was awakened by the excessive heat, and had to escape without his clothes. On reaching the shore he saw the chambermaid clinging to the braces which support the guards, whereupon he procured a small boat and rescued her from her perilous situation; after which, remembering that the cook slept on the other side of the boat, he went round, and after breaking in the windows and calling, but receiving no answer, he was obliged to leave on account of the great heat

New-York Daily Times.

NEW-YORK, WEDNESDAY, JULY 18, 1855.

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The Time of Blood—America and the British Press.

The London Press does not recover from its astonishment at the lack of sympathy on the part of Americans with their English brethren fighting in the Crimea. Waiving all discussion as to the merits of the controversy, they cannot understand how one great branch of the Anglo-Saxon family can see another engaged in so bloody a war, with so little emotion. The mere fact of brotherhood—the identity of race and language, and a community of political principles, ought, in their opinion, to make a British triumph quite as dear to an American as to a British heart. And they denounce us without stint, as false to our origin and our race, as forgetful of the sacred ties of consanguinity, for the evident indifference with which we watch the doubtful fortunes of the war that rages in the distant East.

We might attach some weight to these remonstrances, so warmly and pathetically urged, if experience had not revealed their hypocrisy. We remember very well the tone of the British Press when we were engaged in war. We remember how little ties of blood, identity of language and of race, and all that sort of thing, went for them. Instead of rejoicing in Anglo-Saxon valor, and sharing with us the exultations of victory, our British brethren expended their energies in sneering at our Generals, ridiculing our armies, caricaturing our battles, falsifying our actions, and vilifying us in every possible manner. That we may not be thought too sweeping in thus characterizing the language of the British Press, we copy two, out of the multitude of articles they devoted to the Mexican War,—one from the London *Times* and the other from the *News*:—and we appeal to them for evidence of our statement that nothing could be more insulting or offensive to our national pride, than the language then used by our affectionate brethren across the water.

The reader of these articles will not fail to notice how exactly their censures, then vented upon us, now fall upon their own heads. "It is now," says the *Times*, (in 1847,) "as much a matter of debate in the Senate *why the war was commenced, as how it is to be conducted and when it is to be concluded.*" Could any phrase more accurately describe the recent debates in Parliament? "In the public law of the new world," adds the *Times*, "a *status belli* will be equivalent to a *casus belli*, and no further justification of a war need be sought for, beyond the fact of its existence." Is not this precisely the principle on which the *Times* itself now daily insists upon the necessity of prosecuting the war? The Americans, moreover, says the *Times*, had no very exact idea of the *object* of their war,—and least of all how it was to be attained;—"what they were to win and how they were to keep it, were points on which the event showed they had no settled opinion." In the case very different with the English in the present war! The Mexicans, moreover, are the hardest of all nations to conquer; "they have abundance of room and can always elude a battle; they have no centre of power at which a mortal blow can be aimed; they have the advantage, as well as the disadvantage, of a low political organization, and are far more easily scotched than killed." Has not the *Times* found this to be quite as true of Russia as of Mexico?

But in its jeers at the American Army, our Anglo-Saxon brother becomes conspicuously facetious and prophetic. Evidently an economist, like all who prognosticate the future, of the full meaning of his words, the *Times*, pretending to sketch the condition of the American Army in 1847, describes the English in 1855. "They have no army, and have constitutional objections to raising one." We advertised for 10,000 volunteers, and 200,000 offered their services; England has in vain tried to raise 20,000 at home, bought the services of a small force in Sardinia, called on her Colonies for help, and has finally sent agents to steal aid, under false pretences, from the United States! "They have no money, and are resolutely determined to find none." We paid the whole cost of the war with less than England has spent in thirty commencing here. "They have no Generals, and have just agreed never to have one." Our Generals, such as they were, succeeded in everything they undertook; the British Generals thus far have done nothing but inspire their countrymen with a lively sense of their ignorance and imbecility. Yet, "they have either to continue a war of which *nobody can tell the cost or the conclusion*, or to confess their folly and their helplessness by a ridiculous retreat." How could language more accurately describe the condition of the English at Sebastopol, except that for them retreat is quite as impossible as conquest? And the *Times* closes its article by an elaborate picture of the cost of our war,—which, however, would not in the least answer for its own. "By the present English plan of operations against Russia," said the *Times* as long ago as March 15, "*forty thousand lives and sixty millions* of dollars have already been expended in the siege of Sebastopol." Since that time these figures have been doubled! The London *News*, with a similar display of brotherly love, makes itself merry over the exposure of American troops to the miasma of a tropical climate, which will "*kill them off like vermin* in the mephitic *grotto dell cane*." The idea is certainly amusing; we do not care, however, to extend the comparison to the troops now exposed to the pestilential vapors created by the hot sun of the Crimea falling upon thousands of half-buried corpses in the Allied camp.

We might fill our columns with articles similar to those we copy this morning from the London *Times* and *News* upon our war with Mexico. No thought of brotherhood,—no ties of blood, then deterred the English press from exulting over everything that promised defeat to the American arms,—or from denouncing with the utmost virulence every step we took to subdue our enemy and prosecute the war to a successful issue. They have no right to ask us to forget all this, or to expect at our hands sympathy and encouragement in return for contumely and scorn.

Female Shop-Keepers.

The life of cities presents us with a vast number of incongruous sights and anomalous exhibitions of misappropriated things and misplaced men, but among them all surely there is none more incongruous, or shocking to the sense of the eternal fitness of things, than the spectacle of a broad-shouldered man, with brawny fists and a fierce moustache, *engaged in the effeminate business of selling* tape and ribbons over a counter to a delicate woman. There are certain employments which are called manly, but selling muslin to ladies is not one of them. Men are required to till the fields, to build houses, to make laws, to act as soldiers, to preach sermons, to navigate ships, and to perform a thousand other duties which nature has plainly forbidden women to engage in, by denying her the necessary physical qualities for success. But she is in no manner disqualified for shop-keeping, and for the business of selling to her own sex the articles of ornament and dress of which she ought to be the best able to judge. On the contrary, she has every qualification for the business, being neat-handed, patient, voluble and conciliatory in her manner. In brief, woman is naturally fitted for the business of shop-keeping, and society suffers a great wrong by her being kept from one of the occupations for which she is so eminently well qualified. Society *suffers* a double wrong by it, for men who usurp the employment of women are kept from the occupations in which *they might render essential* service to mankind, while women are either doomed to idle and unprofitable lives, or drives to employments which are degrading to their natures, or destructive to their health. Doubtless the true position of a woman is that of a mother of a family, superintending her household affairs and making her home happy for her husband and children. But it so happens that there are always vast *numbers of women who do not fulfill their* true destiny, and while waiting for their opportunity must resort to the best means of obtaining a living that may be open to them. The inhabitant of a City like New-York knows but too well what an infinite number of distressed women there are constantly seeking for honorable employment, who would be *most serviceable as shop-keepers, if all the* places behind counters were not usurped by what, in such a case is facetiously called the *sterner sex. At this season of the year it is* really painful to see the hearty and sturdy fellows wasting away their lives in effeminate employments among silks, muslins and artificial flowers, who might be so beneficially engaged for themselves and others in gathering in the harvest of our ripened fields, in cutting wood, catching fish, tending herds, delving in mines or doing a hundred other things to help sustain human life and add to the prosperity and greatness of the nation.

The London *Post*—the great chronicler of the fashionable world, whose Jenkins thinks himself well employed in writing descriptions of ladies' dresses that are worn to aristocratic balls and Queen's levees—is envious of all the mustachioed *shop-keepers of Oxford-street* and Regent, and wants to pack them all off to the Crimea, to serve as soldiers in the ranks, and recommends all the Duchesses, Marchionesses and Countesses—the queens of fashion—to do their shopping only at those places where they employ women to wait on customers. But the great difficulty lies with the ladies themselves; for it is said that when they go a-shopping they prefer to deal with men—and that, after all, will probably prevent any change in the existing custom among shopkeepers in this City. But we wish it were otherwise, and that the women would form a union, for the sake of woman, and agree to purchase only of their own sex.

Want of Gallantry at the Astor Library.

A very charming young lady called upon us yesterday to enter a complaint and a protest against the rude and ungallant treatment she had received from one of the assistant librarians at the Astor Library. She had to come to the City from a long distance, and one of her objects was to visit the Astor Library and inspect *Audubon's Birds of America*. But on stating her wishes to one of the librarians, he rudely refused to allow her to have a peep at it, and told her another book would answer her purpose just as well. If the sturdy and benevolent old millionaire, who bequeathed his money to give a free library to the people could have heard her gentle complaint, it would have roused the indignation of the old man to a boiling point. The young lady paid us a great compliment in coming to us with her remonstrance instead of carrying it to the Mayor's Complaint Book, and we trust that this notice will be sufficient to insure any lady the attention to which she is entitled, who may hereafter visit the Astor Library. We feel very sure that the gentlemanly librarian would not countenance any want of gallantry on the part of his assistants.

Are We a Good-looking People?

Most people, particularly female people, are more sensitive on the point of their looks than of their conduct, and the old proverb might be reversed to "handsome are who handsome look." Nearly all the foreign travelers who have written books agree in their testimony as to the good looks of our women, but deny that the American male is as good-looking as the European. Mr. BARNUM has taken a very novel but practical method of ascertaining the average beauty of American ladies, by issuing a prospectus of what may be called an American Gal-ery, which may enable the world to decide the question of our good looks, as far as the ladies are concerned, but will leave the question an open one still as to the men. A book has recently been published in London entitled "*The Wabash; or Adventures of an English Gentleman's Family in the Interior of America.* By J. RICHARD BEARD, Esq.," which does not give a very flattering picture either of our countrywomen's looks or manners. Mr. BEARD is a gentleman of large fortune and good family, and a Catholic in religion, who, having six sons and six daughters, brought them all across the Atlantic with him, intending to purchase an estate for each of them; but, after traveling pretty extensively through the West, he came to the conclusion that the West was not a proper place for a gentleman of fortune, who had been accustomed to the elegant comforts of European life. Mr. BEARD appears to have been decidedly baronial in his views, and was greatly disappointed in not finding a class here willing to be perpetual servants. The great want in the United States, he thinks, is POVERTY; in his own words, "The grand social want of America is—POVERTY!" Undoubtedly, it is our great deficiency, as compared with other nations, and we most sincerely trust it *may long remain* so. Probably, in time, when the philosophy of labor shall be better understood, and no honest calling will be considered as disgraceful, the want of a poor class will not be so severely felt as it is now. A Roman Catholic Priest, to whom Mr. BEARD made known his difficulties, recommended him to go into a Slave State, where he would find just the class of people he felt the need of in the Free States. But he preferred returning to England, leaving two of his sons behind him as a Roman Catholic College to complete their education.

Mr. BEARD did not trouble himself much on the subject of our political or religious institutions, but directed his observations and inquiries chiefly to our domestic habits and manners, which did not impress him agreeably. In respect to our women he is the least complimentary of any English traveler in America, not even excepting Mrs. TROLLOPE. He advises Englishmen to bring wives with them when they emigrate. We give one brief extract from Mr. BEARD's work:

"Marrying an American, implies devoting himself to a perpetual colic; for the whining, pining, helpless, lackadaisical affectation of fine-ladyism which the American sex appear to think so attractive, must act as a perpetual blister or rather colic upon any Englishman, when he remembers the frankness, heartiness, life and nature of a well-born, well-bred Englishwoman, who has no position to affect or to strive for. No doubt, all this that I object to in American females is only manner; they are loving, faithful, virtuous, thrifty wives, and most affectionate mothers. I merely describe their manners as they impressed me. If my would-be-emigrant thinks them attractive, let him select his wife from among them. In the class among which he is going to settle himself, he would scarcely find education and refinement and domestic habits suited to his own; he would not find sympathies in his own tastes, or common recollections of the past; but he might form connections that would be useful to him in business, although he himself, like poor Mr. LOWE, should be a stranger and an alien among them; and his wife would have friends, counselors, and supporters against him, whenever, with English thrift, he objected to her taking the horses from the plow, at the busiest season of the year, and harnessing them to the rough and ready for a holiday's excursion—according to the habits of American farmers' wives; and his father-in-law might remind him, with the docility of American farmers and husbands on such occasions, that it was cheaper to lose the use of the horses than to be kept awake all night by complaints and unfitted for business on the following day. Such interludes are common in the life of American farmers."

After reading this some one may be inclined to interpolate the first letter of the alphabet into the author's name. But, it must be remembered that the poor man caught the fever and ague on the Wabash, and his *queasy* opinions were formed on the specimen ladies he encountered in the hotels of that region. When Mr. BARNUM's beauties make their appearance, their radiant charms will doubtless dispel all the ill-opinions of us rendered by billions of such bilious travelers as Mr. BEARD, *and convince the world that we are a good-looking people.*

The Difference.

England cannot be reproached with ingratitude towards her heroes. They go out to battle with full faith in "Westminster Abbey or the Peerage;" an incentive to gallant conduct for which there is no other substitute with our military heroes than the consciousness of doing their duty. The Commander of the British forces in the Crimea had met with no success, but, on the contrary, frightful disasters, which he might or might not have been responsible for; he dies without having accomplished his purpose, and instantly on the receipt of the news *Parliament votes* a pension of £1,000 to his widow, and another of double the amount to the inheritor of his title for two generations. How different has been our treatment of the Commander of our forces in the Mexican war, whose successes covered the nation with glory, and added millions to the national wealth. He has not yet received any other testimonial of national gratitude than a medal, and when, after the delay of nearly eight years, Congress increases his rank, the Government haggles about the pay to which it entitles him.

Tendencies of Population.

The great increase of population, which the present census will show, will be in the cities and villages, while the agricultural towns, except in newly-settled districts, will turn out to have been stationary or retrograding.—*Albany Argus.*

There is no doubt that this conjecture will prove to be quite correct, each previous enumeration having presented the same tendencies. Various causes familiar to economists lead to this result. But one peculiarly active in this State has been the exhaustion of the soil through unscientific farming, the exaggerated prices of the last ten years tempting the agriculturist to extort the utmost yield of his land, and postpone necessary rest and reinforcement to seasons less profitable. Thus, land once affording its thirty bushels of Genesee wheat to the acre, has come to produce but half the quantity; and no course is left for the farmer who desires to maintain his income, in view of enhanced wages of labor and cost of living, but to increase his number of acres. Thus the size of farms is greatened, their number diminished; and of course the number of proprietors diminishes accordingly. They seek the cheap, youthful, exuberant lands of the West.

The enlargement of channels for inland transportation is another reason to account for a lessened pressure upon lands adjoining a market; that having been the strongest element of value in New-York land, before canals and railroads became the fashion. The preference for land in Illinois at $1 25 an acre, each *acre yielding its forty bushels*, is too powerful to be withstood by chances for land nearer the City valued at $125 an acre, each acre yielding fifteen or twenty bushels. The difference in freights is insufficient to modify the choice.

And again, the need of rural laborers has of late years steadily diminished, in the presence of constant improvements in farming machinery and processes. At that period of the year especially when the census-taker goes his round, the country population has always been momentarily swollen by hands required in the hay and grain harvests. Mechanical mowers and reapers have materially decreased the demand for this sort of farm-help; and the Marshal finds among town idlers and vagabonds, those who formerly figured in the column of farm-hands; or they have joined the movement towards the West.

There is no reason to be alarmed with the idea that the development of Cities is at the expense of the Country. Such is, in all likelihood, not the fact. There is a greater temptation to migrate presented to the agriculturist than to the mechanic; the whole unpeopled field of the West inviting the former, and, by its want of population, forbidding the latter. The artisan must remain where the throng is, or perish; the farmer exacts unlimited elbow-room,—and becoming crowded in the East, retreats to the boundless prairies of the Mississippi Valley. The great bulk of our missing rural population must be looked for there; while citizens of great towns, unprepared for the radical change required by an agricultural life, remain rooted to the old office or shop, until the gradual upgrowth of busy towns westward, draws off some portions of the younger generation. Nothing, indeed, is more thoroughly groundless than the current charge of Vampirism, alleged against populous marts and cities.

Seasonable Weather.

The weather is hot, but it is seasonable, well adapted to the month, admirable for the farmers, and most grateful to watering-place proprietors, and the dealers in Summer clothing. Yesterday was the first really seasonable day we have had since July came in, but *we shall have plenty more like it before the* month goes out. The watering-places have not been over-crowded, and the railroads and *steamboats have had ample accommodations* for travelers. But they will now begin to be crowded, and the City will be relieved of a few thousands of its inhabitants who were unwilling to leave while it was at all endurable—for New-Yorkers can make themselves very comfortable at home, as long as the mercury remains below ninety; and even when it goes above that mark it is possible to exist in the City if you can't get out of it.

Old Generals.

The London papers are congratulating themselves on having got rid of all the old generals in the Crimea, and as younger men have now been appointed to fill their places, they look upon victory as certain. Colonel PAKENHAM, who has just been appointed to the command of a division, is but 36; he is a nephew of General PAKENHAM who, at the same age, was killed while in command of the English forces at New-Orleans. We cannot but remember that our own generals in the Mexican war were all old men; as old, if not the seniors, we believe, of the Crimean commanders. General SCOTT, General WOOL, Generals TAYLOR, WORTH and TWIGGS, were all old men, yet their country never had cause to wish, or ask for younger men.

A Cool Retreat.

The Battery, in spite of its diminished reputation, is a very pleasant place to spend an hour in when the sun is about setting. There is a fresh breeze wafted up from the sea and over that fine old green, which a few hundred folks in stranger garb cannot taint, and under its venerable trees there is a cooler shade than elsewhere blesses the City this side of Jones' Woods. Nor is it half as vulgar a resort as is supposed. Few, indeed, of those that occupy its benches and stretch themselves on its green sward, speak without some brogue that is foreign to Yankees' tongues, but, for the most part, they are a cleanly and well-conditioned class. Children, when their faces are clean and their hearts light, sanctify any spot, and they flock to the Battery in abundance. Whole families turn out and enjoy the fresh breeze and humanizing rest; and, for ourselves—we hope to be pardoned our low thoughts—we very much doubt if there is not more comfort to be found on the Battery than on Union-square. You forget your soiled pants and shocking bad hat there; you eat peanuts, if you like them, in peace; you whistle, or you sing, or you smoke, as your own sweet will inclines; and there is more genuine freedom to be had on a foot of Battery turf than in a whole triangle of up-town, starched and stiffed squares.

FROM WASHINGTON.

Appointment of Mr. Pryor as Ambassador to Athens—State Politics, &c.

Correspondence of the New-York Daily Times.

WASHINGTON, Monday, July 16, 1855.

I advised your readers last week that ROBERT A. PRYOR, Esq., had been selected by a grateful Administration to perform some secret service in Europe. It appears that Mr. PRYOR is appointed Envoy Extraordinary to Greece, to settle up in an honorable manner the quarrel with the Greek Government relative to the Missionary, Dr. KING. This case originated some four or six years ago, and has been the object of a great deal of diplomatic correspondence. Dr. KING was imprisoned for some act done in his capacity as a Missionary, and prefers through his Government a claim for reparation and indemnity. Mr. MARSH proceeded from Constantinople to Athens during his mission in Turkey, and spent much time in urging the case, but did not succeed in bringing the Greek Government to terms. He petitioned Congress for pay for the service, but was denied.

Mr. PRYOR's appointment is a good one. He is was who in 1852 committed the organ of their unfledged Democratic Administration to an approval of Russian system and principles of government, and was summarily ejected from the tripod in consequence. GEORGE SAUNDERS was one of those who most loudly protested against the unrepublican doctrines advanced by PRYOR. GEORGE was their chief counselor, and first friend of Senator DOUGLAS, the head and front of the Young American party. DOUGLAS has since personally hob-nobbed with NICHOLAS of blessed memory, and become a convert to PRYOR's notions. When about a year and a half ago, Mr. SPENCER, Minister resident in Constantinople, assured the Sultan that the sympathies of the American people were with him in the struggle against Russia, the Richmond *Enquirer*, of which PRYOR was junior editor, sharply rebuked him, intimating that no American Minister could safely announce that American sympathies were opposed to the aggressions of Despotism anywhere; in which, so far as concerns the *Enquirer's* wing of the Democracy, it was manifestly correct. In the late State canvass in Virginia, PRYOR was an active partisan for WISE, assisting effectively in his nomination, and stumping the State very energetically in his behalf afterwards. As a Russian American, Mr. PRYOR will be well received at Athens, and he will doubtless receive the cooperation of the Russian Embassy there in demanding justice for our injured countryman.

The Ohio Free-Soil Convention has nominated an excellent ticket for State officers: CHASE, FORD and BRINCKERHOFF are able, distinguished and honorable men, but whether they can be elected is another question. In truth, I suppose it is hardly possible for candidates of any such complexion to succeed in any State of the Union. It is perfectly obvious that public opinion is not yet ripe anywhere for the formation of a Northern rights party. The gentlemen whom I have named are Northern rights men, not Whigs nor Democrats, nor Know-Nothings; but simply Northern men with Northern principles. Now, notwithstanding the crowing of the *Tribune*, and other distinctively Northern prints, over the awakening of a Northern sectional feeling in resistance to repeated and systematic sectional aggressions, it is clear to my mind that there never was greater apathy in respect to national politics throughout the whole North than there is at this moment. The power of Southern politicians was never more compact and efficient than it is now. Their Northern mercenaries were never more confident and insolent than now. The Northern spirit was never so thoroughly broken down by accumulated defeats as it is now. The honest though impotent indignation aroused by the violation of the Missouri Compromise is exhausted. The thing has been done and cannot be remedied. Kansas has been overrun by Slavery, and Nebraska is almost certain to capitulate on the first summons. Those territories are regarded as lost provinces, and when they come up for admission into the Union with Slave Constitutions, as I do not doubt they will do, within the ensuing four years, I predict there will not be in both Houses fifty votes against their admission.

The position of the very men named above, as put forth by the Ohio Free-Soilers, is a conclusive proof of the correctness of this view. I do not know of *three men in the North who better represent* the feeling of that section in opposition to the encroachments of Slavery. Mr. BRINCKERHOFF was the man who actually drew up the famous Wilmot Proviso, and is one of the most eloquent men whom I ever heard in Congress. Mr. CHASE has in many a conflict borne the whole brunt of Southern hostility in many a fierce conflict in the Senate, and has always borne himself with courage and dignity. Mr. FORD distinguished himself for zeal and eloquence in the late Philadelphia Convention. Yet neither has the shadow of a chance of election. Mr. CHASE received no support in the contest for Senator, and Mr. BRINCKERHOFF was not even reelected to Congress after his distinguished career of two sessions.

Upon the whole the elements of opposition to the present corrupt and faithless Democratic party, which alone possesses any party organization, can hope for nothing but a terrible and mortifying defeat in the Union at large, and even in the Free States, unless they adopt some plan of Union not yet suggested. AQUEDUCT.

Elopement in High Life.

Under this head we gave yesterday an account of a case of *habeas corpus* before the Supreme Court. It seems that Mr. D——T, a manufacturing jeweler of this City, and one of the most prominent members of Dr. C.'s Church in Union-square, removed with his wife and children, some time since, to Orange, N. J., where he became acquainted in the family of Mr. H——D, a member of an extensive dry goods firm in Murray-street. One morning last Spring, Mr. D——T and Miss H——D, a good looking young lady in the commencement of her twenties, were found to be among the missing. It was soon ascertained, however, that they had eloped together; had left for Europe, it was at first supposed, but subsequently it was discovered that they had gone to the Far West. The injured father followed the parties to Chicago, where he employed officers, who tracked them to St. Paul's, where they were arrested. Miss H——D was brought back to her father, but on reaching Detroit with him, Mr. D——T found means again to see her, and a second elopement was the consequence. She was, however, soon recaptured and brought to New-York, and in want of another place of confinement, she was placed in the Bloomingdale Asylum, a certificate of insanity being easily obtained from two physicians. The present writ of *habeas corpus* is sued out by Mr. D——T. What its result will be, and what has become of Mr. D——T's deserted wife and two children, we cannot as yet inform our readers.

Dartmouth College.

Commencement takes place at Dartmouth on Thursday of next week, the 26th. An oration will be delivered on Tuesday evening, the 24th, *before the Theological Society, by Rev. Professor* PHELPS of Andover. On Wednesday the Society of the Alumni will hold its first Triennial meeting. An oration will be delivered by Prof. S. G. BROWN, and the Society will probably dine together. On the same day the Literary Societies will be addressed by WENDELL PHILLIPS of Boston, and a poem will be delivered by PARK BENJAMIN, Esq., of New-York.

Common Council of Albany to be Quarantined.

The Common Council of Albany, Gov. CLARK, the State Officers, the Commissioners of Emigra-

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the Tug Government and sundry other distinguished citizens will leave with the Steamer Orange, to-morrow at 12½ o'clock, P. M., and immediately after, the party will take an excursion down the Bay in the new steamer. The fare, which has been placed at the service of Dr. Tompkins by Capt. A. H. SHULTS. On returning the party will be landed at "Castle Garden as it is."

BUSINESS NOTICES.

BULLETIN OF CURES BY DOMESTIC PILLS.

FEVER AND AGUE.—Rev. R. L. FRANCIS, Pastor M. E. Church, communicates the following:

"G. H. DOMESTIC: Dear Sir: Yes, there is no doubt of the efficacy of your Fever and Ague Pills. I was completely rattled out of my senses by the fever and ague, while my wife was entirely unfitted for any business from my absence, I felt prompted by duty and gratitude to acknowledge and testify the virtues of your Anti Periodic Pills. Having used them in our families, it is no more than a matter of justice to you, Sir, to say that our expectations were more than realized. Our Chills and Fever were discontinued by overcome, and our appetites and health restored by the mild but potent agency; and we, therefore, not in any way, in the cure of Fever and Ague, if in our hands or those that for cured every other medicine with which we are acquainted. We cordially recommend them to all suffering from this most disagreeable disease.

J. W. DAWSON, R. M. PIERSON,
JOHN WILLIAMS, HIRAM ELWOOD,
JANE REES, SAMUEL PHILLIPS,
R. M. TISDALE, JOHN D. SHERMAN.

DEAR SIR: Those of the above subscribers are living members of my church, and all of them are persons of good judgment, respectability, and truth. And what is more, I have reason to know that their testimony is true.

Yours truly, R. L. FRANCIS,
Pastor M. E. Church, Frankfort Circuit, Black River Conference.

FRANKFORT, Sept. 28, 1854.

DERBELLE'S PILLS are for sale at the Depot, No. 240 Broadway. Also, by C. V. CLECKNER & CO., PARK & CO., SYKES, MORGAN & ALLEN, A. B. & D. SANDS, C. H. KING, ALCOTT, McKESSON & ROBBINS, and F. C. WELLS & CO.

THOUSANDS OF AGUE SUFFERERS YEARLY use pills, distillations, and bitters, and yet no Fever and Ague remedies, without knowing that all their sufferings are owing to miasma, quinine, mercury, or other disorganizing drugs which though they often "break the chills" for a short time, are sure to lay the foundation of wretched constitutions that cannot only with life.

Better buy a sixpence worth of poison of an honest apothecary, than to pay a dollar for the same price here in "pill" or a "mixture," and remember that the only Fever and Ague Remedy in the market that is free from mercury and poisonous drugs, is "RHODES' FEVER AND AGUE CURE OR ANTIDOTE TO MALARIA;" and in proof of this the certificate of the most celebrated chemist in the United States, JAMES R. CHILTON, M. D., is attached to every bottle.

GEORGE H. BATES, Wholesale Agent, No. 100 Water-st., and for sale by C. H. KING, C. V. CLECKNER & CO., Brooklyn, Mrs. M. HAYES, and druggists generally.

TO KEEP COOL IN HOT WEATHER

It is necessary to wear one of the

ZEPHYR MERINO UNDERVESTS.

Gives ease immediately. They protect the body from sudden changes, keep the skin in a healthy state, greatly obviate perspiration, and are cooling and inexpensive.

A. BANKIN & CO., No. 102 Bowery.

DR. S. S. FITCH, AUTHOR OF THE "SEX LIBRARY ON CONSUMPTION," office No. 714 Broadway, cures diseases (Boarders accepted,) from 8 to 8 o'clock, treats consumption, asthma, diseases of the heart, and all chronic diseases of males and females. Consultation free.

HERRINGS' FIRE-PROOF SAFES—AWARDED THE VICTORY

MERCANTILE PAVILION, July 4, 1855.

F. A. HERRING, Esq., Leader, C. W. Addis for S. C. Herrings & Co.:

DEAR SIR: I am sorry to inform you that my stores with the whole of the contents, furniture, books, &c., were destroyed by fire last night. I cannot authorize you, with my number, I bought one of Herring's Safes from you last March, and I have much pleasure in informing you it stood the test quite well, the paper and contents were entirely saved, the handles and brass plate both melted off, and the lock hung in a out of the burning embers we had to force open, as it was nearly half an hour before it could be opened. You may frame my testimonial of this, my books, insurance papers and all right. I have no hesitation in saying that the papers in it, which, had I lost, would have caused me ruin, are safe. You will please send me another safe directly, and I will send you the old one to have your show it with the wish to have a perfect fire-proof safe. Yours respectfully,

I remain, dear Sir, yours respectfully, J. W. PARKINSON.

The extraordinary force on hand for sale the latest improvements of FIRE AND BURGLAR PROOF SAFES in the world, guaranteed to be superior to those and warranted to stand any other new offered to the public.

S. C. HERRING & CO.,
Nos. 128, 130 and 132 Water-st., New-York.

SINGER'S SEWING MACHINES.—THIS IS A PLEASANT age, and, determined to discover all conveniences, we have just made a great improvement in our celebrated Family Machines, by adding fifty per cent. to their speed. A very great economy is thus effected, not only in the quantity of work done, but in the time of operation, as the machine will do the other recent great improvements are retained, and all displayed in these new machines. It is a further and other fully demonstrated, that SINGER'S Sewing Machines, of the manufacture, make the best machines in the world, and by many of the inferior machines in market, if the latter could be had as a gift. Convenient and satisfactory arrangements are given to those who are using our machines with good grade and in every branch of trade.

I. M. SINGER & CO., No. 323 Broadway.

LARGE SALE OF BONDED LIQUORS.—THIS AFTERNOON at half past two, will be sold at the store, No. 11 Broad-st., NICOLAY, at 4 o'clock, Gin, Brandy, Cognac, Claret, 700 cases Claret, Marguaux do., 10 cases St. Cologne do., 100 cases Hunt Rum, 100 cases Hunt's Cognac, Cognac Brandy (Pale), 1 qr. cask, 1 qr. do., 10 qr. pipes do., 6 do., 3 do., 3 do., 2 do., 1 do., Jamaica, 1 qr. L'Hermite Cognac. Also, 40 cases containing German Cologne. The whole to be sold on account of all concerned, and delivered free from duty and charges. All goods warranted to be as represented. For further particulars see the advertisement of Friday morning in another column.

EMERSON'S PATENT CHAMPION FIRE-PROOF SAFES, which have received separate medals at the World's Fair, London, and the World's Fair, New-York, 1853, and this is the best, and the only Safe in the Union that received a medal at the London World's Fair, which was awarded to Messrs. Chubb, the celebrated Fire Locks. The subscribers are the only persons authorized to make and sell the Patent Chubb, with Mall's Patent Powder Proof Locks.

S. C. HERRING & CO.,
Green Block, Nos. 128, 130 and 132 Water-st., N. Y.

KNOX.—"FAINT HEART NEVER WON FAIR LADY." Just so we have to battle many a KNOX hat, and, brilliant and fashionable as it is, we have to contend with the gentlemanliness of the wearer, ere we can quite a convertor in his new assortment of KNOX'S, Broadway, and still keeps up the show of KNOX'S hats, with an endless variety of Hats to suit the taste of the choicest.

M. WILSON, GILSEY BUILDING, Broadway, corner Bleecker-st., and Broadway, Gilsey House, corner Cortlandt-st. and Broadway, Gilsey House, offers to the country merchants, drawers of partnerships, hats and caps, should avoid the cheapers, and call at one of the largest and best stocks of hats in the City.

SCROFULA, RHEUMATISM, &c.—HOWARD'S ROOT BALSAM is so certain to cure the most obstinate forms of these diseases as water is to quench the thirst of a hot day. Over 1,000 cures in the last year, many of old standing, given up by the best physicians, and a variety of the blood, liver complaint, piles, &c. Sold by HOWARD, 102 Grand-st., 75 cents per bottle.

HATCHELOR'S HAIR DYE.—THE BEST, SAFEST, BEST Dye in the world. The only perfect Dye. No disappointment. No ridiculous tints. True to Nature. Warranted not injurious to the hair or skin, and to impart the real Nature shade or color. Made and sold at wholesale, (in 3 private rooms,) by ALSOP, Wig Factory, No. 233 Broadway.

HATCHELOR'S WIGS, TOUPEES, &c.—THE LARGEST and most complete Stock in America, at the Factory, with all the improvements of W. ALSOP, 233 Broadway, as his. HATCHELOR'S SCALP PROTECTOR, a small brown, to be worn on the bald part of the head. Manufactured and sold by HATCHELOR, 233 Broadway.

CORN FARINA.—WHICH FORMS A DELICIOUS article of food, and is recommended by the Faculty as a most wholesome and nutritious article of food, and is sold in every family. Prepared and for sale by ALSOP & HOLMAN, Washington Mills, No. 216 Washington-st., Boston.

TO SEA-BATHERS.—WE HAVE NOW IN STORE a large stock of good Linen Crash, Bathing Towels, which we will sell at great bargains. Also, a large assortment of various colors.

E. H. LEADBEATER & CO., No. 97 Fulton-st.

SILKS! SILKS! AT 50c. PER YARD.—WE WILL offer on Monday, July 16, four cases of Black Silks at 50c. per yard, worth 75c. Also, 200 pieces Black Silks at great bargains.

E. H. LEADBEATER & CO., No. 97 Fulton-st.

FEATHERS, BEDDING, &c.—WM. SCHOLFIELD, Manufacturer, Wholesale and Retail, Feathers, Beds, Pillows, Bolsters, Mattresses, Comforters, at No. 128 Chatham-st., near Bowery, Wholesale and retail.

TRAVELING TRUNKS, VALISES, &c.—THE LARGEST stock and greatest variety of Trunks, Valises, &c., in the Union, at the lowest retail prices, at Brown's Trunk Warehouse, 128 Fulton-st., (under Herald office.)

CROUGH & FIEGE.

PRINTED LAWNS AT 6½c.—ON MONDAY, July 16, we will offer another lot of those Printed Lawns at 6c. Also, two cases of Printed Lawns, worth 8c. Also, 400 Printed Cambrics, at 5c. per yard.

E. H. LEADBEATER & CO., No. 97 Fulton-st.

ALL EYE DISEASES SUCCESSFULLY TREATED by Dr. C. W. UPHAM, Oculist and Aurist, 128 Fulton-st., N. Y., from 9 A. M. to 2 P. M. Cataracts in most cases successfully extracted. No charge for advice.

TO ENGINEERS AND MACHINISTS.—TRACING Linen, Cross-ruled and Plain, Tracing Paper, all of the better description, for sale by

HITCHCOCK & CO., No. 105 Broadway.

RICH PRINTED BAREGES AT 12½ PER YARD.—E. H. LEADBEATER & CO., 97 Fulton-st., will offer on Monday, July 16, rich printed Barege Robes, worth 25c. per yard, there since the 15th Inst. Price, only 12½ cents.

M. VANDERHOOF'S WHALE AND LARD OIL, are unrivaled for burning in lamps. Warranted free from gum, and delivered free of cartage. Also, Sperm Oil, Sperm Candles, Fluid, Camphene, &c. Store, No. 303 Canal-st., 75 cents per bottle.

The Crops in Middle and Southern States—Lynching for Incendiarism.

Correspondence of the New-York Daily Times.

CINCINNATI, SATURDAY, July 14, 1855.

I have just passed through Southern Michigan, Northern Indiana, a portion of Illinois and Wisconsin. The wheat in the southeastern portion of the former State, stands as heavy as it can well upon the ground, very rank and well filled; but about three weeks ago the weevil struck it, and may destroy the whole crop. It was thought, however, that if the head hardened rapidly, the insect might be arrested. This scourge has at last, by that mysterious law of nature which no man can fathom, after running on and on steadily and steeply in its destructive march from east to west, reached the head of Lake Erie and will, undoubtedly, sweep the whole West. The "fly" pervades Southwestern Michigan, and portions of Northern Indiana, yet the crop will be fair. Illinois is also absolutely groaning under its crops—corn looking the most promising, owing to the long continued wet weather. Generally, all looks well, and family prices for bread are nearly at an end.

I was at Janesville, Wisconsin, the day after MAYBERRY was lynched, a frightful account of which you have seen—what to the tree (which was cut down in my presence by one of the law and order party,) and saw his clothes in tatters and clotted with blood, where they had lain from the day before, and the rope still hanging among its branches. A meeting was to be held at the Court-House during the day, to protest the fair fame of Janesville. It was evident enough that the hearts of many of the citizens of the place sympathized with the lynchers, the murder was so horrid and revolting in its commission and details. MAYBERRY was a brute, and acknowledged that he trailed ALGER out of Illinois into the jurisdiction of Wisconsin, because he knew there was no "hanging for murder" in that State, and he boasted after his arrest that he could not be executed, and he cared nothing about imprisonment. Besides, after splitting open ALGER's head with a hatchet, he seemed to have occupied his time until dark, while watching the remains in the woods by the roadside, mutilating the body; and he then coolly stripped him, and returned back to Rockford with his money, clothes and horse, and, what is most unaccountable of all, informed two men of the whole tragedy. His brother sat on the piazza of the tavern that overlooked the hill, smoking a cigar, and approved of the lynching,—so a number of men informed me at Janesville,—which showed the terrible depravity of the family, one other of whom he said had already gone by a violent death.

The soil of Wisconsin has not, if I recollect, been before polluted in this way since the DARESTES were "run up" some eighteen years ago, for crime in general. They were at the head of a gang of horse thieves which spread terror over the whole Northwest, and neither life nor property were safe within their range. X.

Traffic of the New-Orleans Quarantine.

From the New-Orleans Bee, July 11.

Messrs. JAMISON & Co., agents for the Aspinwall line of steamers, received a dispatch, yesterday, from the owners in New-York, asking if the *Crescent City* had been quarantined, and declaring that if this measure was persisted in, they would be compelled to withdraw the line from New-Orleans. We understand that the agents and owners of the *Orleans* have determined to pursue a similar course with regard to that vessel, should she be finally detained at the quarantine station on her return from Vera Cruz. Upon the receipt of the dispatch above mentioned, one of the firm of JAMISON & Co. repaired to the Board of Health, and asked whether the Board had received any instructions in pursuance of which the *Granada*, due to-day, would necessarily be quarantined? He was told that the Governor had issued another proclamation, specifying a large number of places within the tropics as infected; that among them were Havana, Vera Cruz, San Juan de Nicaragua, Chagres, &c.; that the *Granada* would naturally touch at Havana, for the purpose of taking on board the California mails, and would, therefore, be considered as arriving from an infected place, and would come within the pale of the Governor's proclamation.

It appears, therefore, that under the new reading of this abominable Quarantine law, which should be styled "an act to harass, impede, shackle and injure the commerce and navigation of New-Orleans," all vessels on their way hither, from any of the ports mentioned in the catalogue of the official proclamation, will be subjected to the same vexatious, absurd and intolerably oppressive system; will be detained ten days or more at the quarantine grounds, even though they present clean bills of health, and though the ports from which they sailed are entirely free from epidemic diseases. Now, it is preposterous to imagine that the parties interested in the California and Mexican line of steamers will tamely and quietly submit to this vile and arbitrary enactment. Let it but be maintained without relaxation for a few weeks more, and both lines will undoubtedly be withdrawn from New-Orleans. It may be said that public sentiment is against the law; that its onerous provisions cannot be enforced; that those vessels may force the quarantine, and that no jury will condemn them. This is all true, but we are informed that the agents and owners of the California line do not desire to contravene the act, and render themselves constantly amenable to prosecution, and that sooner than brave the officials stationed at the quarantine grounds, they prefer sending their vessels elsewhere, and thus avoiding vast inconvenience, delay and loss. Nor can we blame them for their decision.

Whom then are we to censure? The Governor? We are told that he acts simply upon the advice of the Board of Health. He is officially apprised by that body of the existence of such and such infected places, and thereupon he issues his proclamation requiring that vessels arriving thence should be subject to Quarantine. The responsibility therefore devolves upon the Board of Health; and yet we hardly know whether it would be entirely in accordance with justice to denounce the conduct of the Board. The law is before the members, and they are bound to obey it. The reprobation and anger of the community must fall upon the act and its framers—a law wholly inefficient, inapplicable, and even if based upon a sensible theory, incapable of fulfillment—a law passed by dint of an unmeaning and senseless clamor raised by certain parties who had contrived to convince themselves that Yellow Fever, and for aught we know Cholera, were maladies of foreign origin, communicable alone by importation, and that if vessels coming from infected ports were only detained a certain time, we should be utterly exempt from those afflictions. The law was passed, and has gone into effect, with the only noticeable result of creating sundry lucrative offices for hungry mouths, and of engendering universal indignation and discontent. Has it kept out yellow fever? The answer may be found in the bills of mortality, which record some thirty deaths by that disease during the past week. Admit that these are sporadic cases, and that there are no pressing prospects of its epidemic, has the Quarantine law proved the panacea? Is not the focus, the starting point of the disorder in our midst, despite your boasted Quarantine? And should we escape an epidemic, will it be less true that persons have died of the fever, and will any one have the hardihood to ascribe our exemption to the enforcement of an act which detains the vessel, but permits the passengers to come up to the city?

Of all ridiculous and uneconomical enactments, this Quarantine is the most stupendous. It would be a hunting of the first water, were not its consequences eminently disastrous to the trade and commerce of our city. We are ridden, however, by this Old Man of the Sea, and discover no way of throwing him off, until a wiser Legislature abolish the laws passed by its foolish predecessor.

Texas.

We have received Texas papers to the 7th inst., inclusive. The Fourth of July was celebrated at Galveston and Houston with great enthusiasm.

The canvass for State officers is becoming animated. PEASE, the Democratic candidate for Governor, is hotly opposed by DICKSON, the nominee of the American party.

The *State Gazette* of the 30th ult. contains the Governor's proclamation, directing the Chief Justices of the counties to cause the votes of the people to be taken at the general election on the 4th of August next, on the Texas Debt bill of the last Congress. Each voter is requested to write upon his ticket the words, "For the Texas Debt Act," if he is in favor of its acceptance, but if not, then the words "Against the Texas Debt Act."

From a gentleman who has just arrived from Huntsville, we learn that a negro belonging to D. BAKER, Esq., killed Mr. J. THOMASSON, of Danville, Montgomery County, on Sunday evening, the 1st inst. It appears THOMASSON and the negro had been gambling, and THOMASSON having won all the negro's money, he became enraged, and seized the first opportunity to retaliate on his victim. The evidence against the negro was conclusive, the money and pocket-book belonging to the deceased having been found in the negro's trunk, after he had been suspected of the murder. He was sent to jail in Anderson, but it was currently believed in Huntsville and the surrounding country, he would be lynched. THOMASSON was horribly mutilated, being shot in the head, his throat cut, and his brains knocked out by the handle of an axe. Mr. BAKER will take no hand in the disposition made of the negro, being fully satisfied of his guilt.

A new paper has been established in Galveston by the union of the *Times* and *Journal*. It is to be called the *Confederate*, and fights under the American banner.

The *News* of the 7th has the following important items:

The telegraphic wires commenced operations this morning through to New-Orleans.

A man by the name of PHILLIPS, living in Cass County, was murdered by three of his negroes on the night of the 21st ult. He was knocked on the head with an axe while at supper, and instantly expired. The *Jefferson Herald* says that the wife, who belongs to a wealthy and respectable family, has been arrested as an accessory to the foul deed.

Disgraceful Riot and Destruction of Property.

From the Toronto Colonist, July 16.

One of the most disgraceful riots that ever occurred in this city, took place on Friday night last, the circumstances of which we have taken the trouble to ascertain accurately, and they are as follows: HOWE's Menagerie and MEYERS and MADIGAN's Equestrian Troupe, jointly exhibited and performed in this city, on the vacant space near the Jail, on the evenings of Thursday and Friday. On Thursday night a row occurred in a house of ill-fame, a little west of the old hospital on King-street, in which two or three of the circus people were concerned. Two young men named FAWCET and FRASER, who it is said belong to the Hook and Ladder Company in this city, were seriously injured, one of them getting his jaw broken in two places, from the blow of a decanter. The parties who inflicted these injuries were those connected with the circus; and consequently the friends of the sufferers vowed vengeance on the whole establishment.

From the inquiries we have made, we have ascertained that the friends of FAWCET and FRASER were busy during the whole of Friday, preparing for an attack on the circus establishment in the evening. Every endeavor was made to collect such a force as would, if possible, oversweep both the circus people and police, and allow the mob to do just as it pleased. Indeed, we have heard from several that they were aware of a riot being contemplated several hours previous to that at which the performance commenced in the evening. It also appears, as was stated by constable MCCAFFREY in his evidence at the Police Court, that a certain system of action was decided upon.

Symptoms of the riot were quite perceptible during the hours of performance, but no regular attack was made upon the premises until the audience had departed. It was then that some one commenced to cut the canvas with a knife, and a most violent demonstration was made by yells and shouts. The employés of the circus armed themselves with such weapons as they could lay hands upon, sallied out in a body and made a clearance, and again returned under the canvas. The police here, it seems, made a feeble attempt to arrest some persons, but were prevented by the mob. About this time we believe it was, that JOSEPH BIRD, a member of the Hook and Ladder Company, received a blow of an iron bar from one of the circus men, and had to be taken home. A pistol shot, we understand, was also fired by one of the party assailed.

The next step of the mob was to make an attack on one of the wagons, which they pulled away and tumbled over the embankment into the bay. They then attacked the ticket wagon, which was smashed into pieces with their axes and set on fire. His Worship the Mayor had previously been sent for by Mr. YALE, one of the managers of the company, and he soon arrived on the spot, and endeavored to quell the disturbance. He advised the circus men to lay down their weapons, and consider themselves as prisoners, and he would do everything to protect them; to which request they immediately yielded, sitting down together under the tent. His Worship then expostulated with the mob outside, and entreated of them to desist; but his efforts, although successful in one quarter, were defeated in another. He managed, however, to rescue two men belonging to the company, who were set upon by the crowd, some of whom shouted out "kill them," "knock them down," &c., and whom he sent off in a cab to the police station.

The work of destruction still went on. When the ticket wagon was set on fire, some of the mob proceeded to the St. Lawrence Hall (about 11 o'clock,) and caused the fire alarm to be rung, which proceeding, most likely preconcerted, had the effect of bringing the Hook and Ladder wagon and several of the engines to the ground. Amidst demoniac yells and the darkness of the night, relieved only by the dim light of the burning vehicle the hooks were applied to the chains and ropes of the pavilion, and to the cry of "this way, rackers," from the ringleaders, the work of pulling down the canvass commenced. Whilst this part of the proceedings was going on, several attempts were made to fire the tent, but the operation was not successful until it was all pulled down; when the wardrobe (which was new,) and everything that could be laid hold of was thrown into the fire and destroyed.

The police, of whom there were thirteen on the ground, were, with the exception of Chief Constabel SHERWOOD and Constable MCCAFFERY, either unwilling or incapable of rendering the Mayor any effectual assistance. Mr. Councilman MCCONKEY, who reached the ground late, was extremely active, and with his aid and that of three or four others, the Mayor was fortunately successful in preventing serious personal collision, although he was frequently obliged to throw himself between the assailants and the parties attacked. After the tent was destroyed, the mob rushed towards the caravans of wild beasts, one of which (that of the camelecopard,) they backed towards the flames, but the Mayor and his assistants rescued it. His Worship finally addressed the excited populace from the roof of one of the wagons, pointing out to them the shameful character of their proceedings; and after some time they began to disperse.

The Austin (Texas) *State Gazette*, June 23, says: "There is about $20,000 subscribed for a foray against Mexico, and we learn that some of the filibusters are at present at the headquarters in San Antonia. Rumor gives the name of several, and some from Austin. It is intended to raise some 500 or 1,000 men in Texas to go over to Mexico."

We learn that up to noon on the 2d inst, there had been eight deaths by cholera at Lexington, Ky. The fatal cases were all Irish and blacks. Lieut. MORRISON, who was attacked, was in a fair way of recovery.

SPECIAL NOTICES.

☞ **Dr. Townsend's Sarsaparilla.**—This is the great Spring and Summer remedy, and the only permanent BLOOD PURIFIER and eradicator of disease.

Reader, if your blood is impure, and your system out of order, there is nothing that will so soon restore you to health, and create NEW, RICH AND PURE BLOOD, as the GENUINE DR. TOWNSEND'S SARSAPARILLA.

Try a bottle or two. Thousands will testify that it is the only medicine which EFFECTUALLY CURES AND KEEPS THE BLOOD PURE.

Wholesale and retail depôt, No. 212 Broadway, corner of Fulton-st., opposite St. Paul's Church, Office No. 2.

☞ **These Ladies Linen Boots and Slippers** ARE SELLING RAPIDLY AT HARRIGOTT'S BROADWAY FAMILY SHOE EMPORIUM, No 425 Broadway, cor. of Howard-st.

He is also selling splendid French Gaiter Boots for Ladies, of all colors, at $1 75 per pair; their equal were never offered at that price until introduced by the proprietor of this establishment.

☞ **Redding's Russian Salve**—25 cts. a Box.—A Boston remedy of 20 years' standing; a sure and speedy cure for Burns, Scald, Boils, and all external injuries; recommended by physicians. Sold by all druggists in the United States. A. B. & D. SANDS, C. V. CLICKENER & CO., C. H. RING, New-York; WM. R. KIESER, JOHN GILBERT & CO., Philadelphia, and REDDING & CO., Proprietors, Boston.

☞ **New-York Young Men's Christian Association.**—Members whose annual dues expired June 1 are earnestly urged to pay the same to the Librarian, at Clinton Hall, Astor-place, during the present month.

SAMUEL HOLMES, Chr. Com. Ways and Means.

SPECIAL NOTICES.

☞ **Hunkins's Cream Syrups** and Pure cool Soda Water, can be obtained nowhere else but under the Astor House, and Broadway, corner Canal-st. Vanilla, Pineapple, Raspberry, Strawberry, Chocolate, Lemon and Orange flavors.

☞ **Balm of Thousand Flowers.**—For beautifying the complexion and eradicating all tan, pimples or freckles from the face. PETRIDGE & CO., Franklin-square, New-York; for sale by C. H. RING, Broadway, and all druggists.

☞ **To Nervous Sufferers.**—A retired clergyman, restored to health in a few days, after many years of great nervous suffering, is anxious to make known the means of cure. Will send (free) the prescription used. Direct to Rev. JOHN M. DAGNALL, No. 56 Fulton-st., Brooklyn, N. Y. CAUTION.—All quack imitations are spurious, and counterfeits of his original prescription.

☞ **Dartmouth College.**—The graduates of 1825 are hereby reminded that their first triennial reunion will be held at Hanover, N. H., on WEDNESDAY, July 25, in the senior recitation room, at 9 o'clock A. M. Let the gathering be a large one. CHARLES BARRETT, FREDERICK A. SMITH, } Class Com.

☞ **Fancy Goods for Druggists' Sales.**—Tooth, nail and hair brushes, combs, Lubin's extracts, Low's brown Windsor soap, Farina cologne, and every article adapted to Druggists' sales, for sale by RUFUS K. MCHAEG & CO., Importers, No. 183 Broadway.

☞ **Good Chance to Commence Business.**—TO HORSE-SHOERS.—The tools, &c., of a well established horse-shoeing and jobbing shop for sale, and shop to let, or a competent workman would be employed to take charge of the premises. Apply at No. 17 West 23d-st., before 9 A. M. or after 5 P. M.

☞ **Billiards.**—Ladies' and Boys' Billiard Tables—Bagatelle Tables—with a splendid stock of full sized rosewood and mahogany tables, for sale at the lowest prices at O'CONNOR & COLLENDER'S, No. 41 Ann-st.

WANTED.

SITUATIONS WANTED—By a respectable Protestant man and his wife; the man would take the full charge of a farm, as he understands such, or would act as coachman, groom or gardener, if necessary. His wife would make herself generally useful. She is a perfect laundress, &c. Both have good references, and have no objections to go in the country. The advertiser has an interest in the same. Apply at No. 17 Division-st., in the store, any day this week, or at No. 238 12th-st., near 2d-av., in the basement.

SITUATIONS WANTED—By two young girls, of neat and tidy habits, one as cook, a nurse second; the other and ironer and good baker, understands pastry, and the care of milk and butter; the other is a neat chambermaid and nurse, can do washing and assist with washing and ironing; they will both take $6 each in good family; the country preferred; excellent City references. Call at No. 217 East 22d-st.

SITUATION WANTED—By a Protestant young woman, as Chambermaid and to do plain sewing, or mind a baby, &c.; good City reference; has no objection to go a short distance in the country. Can be seen for two days; if not engaged. None but a Protestant need apply at No. 217 East 26th-st., 1st-av.

SITUATIONS WANTED—By two respectable Protestant young women, in City or country—one as first-rate meat and pastry cook; has lived with some of the highest families; the other a neat chambermaid and waiter, or nurse and seamstress; both are well recommended. Apply at No. 211 Bowery, to-day or to-morrow.

SITUATION WANTED—By an active, willing girl, in city or country, to do general housework. She is a good plain cook, excellent washer and ironer, makes good bread. A respectable family more looked for than wages. Apply at No. 211 Bowery.

SITUATION WANTED—By a respectable Protestant young woman, who can be well recommended, as chambermaid and seamstress, or would wait on grown up young ladies; has no objection to travel with a family. Can be seen at her residence, No. 107 Railroad-av., Jersey City.

SITUATION WANTED—By a very respectable Engl[illegible] as chambermaid and seamstress, or as chambermaid and nurse, and is willing to make herself useful. Best of references can be given. Call at No. 261 Bowery.

SITUATION WANTED—By a respectable young girl as nurse and seamstress, or chambermaid and seamstress; has good City references from her last place. No objection to travel. Call at No. 25 Warren-st., for 2 days.

SITUATION WANTED—By an English girl, as Schild's nurse and plain sewer; is willing to make herself generally useful. Can be seen for two days, at No. 85 West 13th-st.

SITUATION WANTED—By a young woman as Children's nurse. Call at No. 283 East 38th-st., between 1st and 2d ave., top floor.

SITUATION WANTED—By a most respectable Scotch gardener, or to go in the country; not particular about wages. Apply at No. 20 Amity-st., in the rear.

SITUATION WANTED—By a respectable woman, as cook. Best of reference can be given by her present employers. Can be seen for two days at No. 101 5th-av.

AN IMPORTANT MERCANTILE AGENCY WANTED—A sufficient inducement to be offered; the services of a highly competent middle-aged man, formerly from New-England, but now residing in the West, can be secured by one or more houses or individuals, to act in the capacity of traveling agent for the purchase of property in Illinois, Iowa, Wisconsin, Minnesota, and the collection of debts, the sale of goods, wares and merchandise, (intoxicating drinks excepted;) the looking up of lands and reporting their true situation, and, as nearly as possible, their value; the looking into claims to lands disputed or doubtful, and looking up and adjusting of what are denominated "bad debts," in which he has had much experience, and for the accomplishment of which he possesses a happy facility. Further information may be had by calling at No. 1 and 3 Park-row, or a personal interview be had by addressing BENNETT, Box No. 1,566 Lower Post-Office.

AGENTS WANTED—To sell a new Map in the United States and the Canadas, new plan of Sebastopol, new Map of the Sea of Azoff, Black and Baltic Seas, Crimea, small Map of Europe, showing Routes and Distances, Views, Army and Navy, Population, &c. Size of the Map 26 by 32 inches. Price 25 cents. This is the best work out for Agents. A. H. JOCELYN, No. 69 Fulton-st.

FEMALE HELP OF ALL KINDS—Can be obtained at the offices of the American and Foreign Benevolent Employment Society, No 13 Bible House, Astor-place, No. 5 Sidney-st., Brooklyn, and No. 27 Greenwich-st. Also, farm hands, gardeners, coachmen, &c., at No. 27 Greenwich-st.

WET NURSE—A young married woman with a child four weeks old, who has the opportunity of having her own child cared for, is willing to engage as wet nurse. She can refer to her physician as to her own healthiness and good character. Apply to Mrs. DAYTON, No. 462 Atlantic-st., Brooklyn.

AN AMERICAN GIRL WANTED—Sixteen to 20 years of age; one accustomed to take charge of an infant, a good plain sewer, and willing to do whatever is required of her, will receive a good home and from $2 to $2 50 per month, by applying at No. 68 Lexington-av., corner of 26th-st.

A STOUT ACTIVE YOUNG MAN wants a situation as porter. Understands driving and taking care of horses, and is willing to make himself useful to his employer. Address STEPHEN SULLIVAN, or inquire No. 132 Chatham-st.

GOVERNESS WANTED—To go to Kentucky. To one who thoroughly understands the English language, can play and sing well, a liberal salary will be given. Address Box 3,621 P. O. None but Americans need apply.

HAT TRIMMERS WANTED.—Wanted 30 or 35 for hat trimmers; also, a journeyman hat block maker. Inquire corner of Raymond and Willoughby-sts., Brooklyn. J. H. PRENTICE & CO.

YOUNG MAN WANTED—Sixteen or eighteen years of age, of some experience, in a drug store. Apply at No. 154 Atlantic-st., Brooklyn.

COMPOSITORS WANTED.—Several good ones can find steady work at No. 55 Ann-st.

A SMART HALL BOY—And several excellent waiters, English, French and Protestants, are now to be found at the Servants' Institute, No. 149 Grand-st.

287 BROADWAY—Corner Reade-st., at MORRIS & CORNERY'S, can always be had a great choice of English, Scotch, German and Irish help, for hotels, boarding houses and private families. Also, waiters, porters, coachmen, gardeners, farmers and mechanics, at this or the branch office, No. 102 Greenwich-st.

DOMESTICS WANTED—At the Brooklyn Institute, No. 286 Fulton-st., under the approval of Mayor Hall. Plain sewing is provided for those waiting for situations to pay for board. On hand, two first-class cooks, six chamber and nursery girls, eight for general housework, all well recommended. Mr. ALLEN, Superintendent, F. BROWNE, General Agent.

BOARDING.

BOARDING.—Elegantly furnished rooms with board may be obtained at Nos. 43, 45 and 47 East 19th-st., on early application in one of the most healthy and pleasant situations in the City, being in the immediate vicinity of Union-square, Gramercy-park and the grounds of Union-place.

BOARDING.—Two or three gentlemen can be accommodated with board at a beautiful and healthy location, where there are no boarders, nor children; it is within two hours' ride from the City. The best of references given and required. Address MUNSON, this Office.

BOARD IN BROOKLYN.—Front rooms for a gentleman and lady or two gentlemen, in a first-class house in one of the pleasantest locations in Brooklyn, a few minutes' walk from the South and Wall-st. Ferries, where they will find the comforts and attention of a home. Terms moderate. References required. Apply at No. 42 Congress-st., three doors below Henry.

BOARD WANTED—For children, within a short Distance from New-York, and accessible; the children are two girls, who would need a mother's care. Address, with full particulars and lowest terms (washing, mending, &c., included,) T. WILLIAM, Post-Office, New-York.

BOARD IN JERSEY CITY.—Board, with pleasant Rooms, can be had at No. 213 South 2d-st., near Grove, about fifteen minutes' walk from the ferry.

CARD.—My new Restaurant, corner of Broadway and Chambers-st., branch of my William and Beaver-sts. establishment, will be opened on SATURDAY, July 7. To my old friends I take this opportunity of offering my grateful acknowledgments for the many testimonials of their esteem, and to the public my thanks for their patronage, assuring both that no efforts shall be spared to merit a continuation of that favor heretofore liberally conferred upon me. LORENZO DELMONICO.

NEW-YORK, July 5, 1855.

MERCHANTS' DINING SALOON, No. 14 DEY-ST., Where the "Maine Law" is strictly adhered to.

MESSRS. EDITORS—I would respectfully state that the Mr. FERRIS, whose perambulations are now out of Madison-av. Times, has no connection or connection with B. M. Ferris, Organ Builder, of No. 464 Broome-st. RICHARD M. FERRIS.

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JOHN P. JENKINS, Secretary.

TO THOSE INTERESTED IN LAN

[illegible]

In the British House of Commons on the occasion of making payment to the widow and heir of Lord Raglan, Mr. Horsman (Cockermouth) made the following remarks in relation to the massacre at Kertch, which will be considered by impartial observers as rather more than an offset to the affair at Alma:

"There is also a painful subject to which I wish to allude, and in reference to which I think a heavy responsibility rests upon Her Majesty's Government. I put a question the other day to the noble lord the member for Tiverton, who refuses to answer, upon atrocities that took place at Kertch. I stated, at the same time, that I did not believe that English Lieutenant-General, either from apathy or from cowardice, was the cause of those disgraceful excesses. I find, however, from letters, not that the Lieutenant-General is to blame, or that the British troops committed excesses, but that excesses of the most atrocious description were committed in the town of Kertch. It was a town which was surrendered. No Russian soldier remained there, the inhabitants had thrown themselves entirely upon the mercies of the allied armies, and it was the duty of somebody—I say of the Government who directed the expedition, and who assumed to control the movements of the army in the East—to provide some certain for the authorities who are removed when we take possession of a town. It was most unpardonable to have allowed pillage, violation, and the murder of women and children, whether by Turks or others, from want of a force to maintain order. The responsibility rests upon those who had the management of this expedition, and, therefore, upon the Government for not providing an adequate force to protect life and property in that town. I do not think the answer I received was satisfactory, viz. that the noble lord was merely going to require a report to be made. As an Englishman I feel disgraced by these atrocities. [Hear, hear.] Such are not the way to promote civilization or to protect the weak against the strong, and although you may arrogate to yourselves great virtue, and say that all you desire is to promote the liberties and comforts of mankind, you will not gain credit for these intentions if the results of your expedition be that unoffending towns are blockaded and starved, women violated, and helpless children murdered. If this is the way you set when you represent yourselves as the pioneers of civilization, all that I can say is, that I have completely misunderstood the meaning of the term."

A Thievish Exchange.

We are apt to think that London offers a model for that chief reliance of cities, a police department; but it seems that in the very centre of London there exists a foul den of thieves and disturbers of the public, which bids defiance to the whole municipal militia of that great city. We find the following lively descriptive or one of these dens in a late London Times:

"In the heart of London, on every successive Sunday in the year, in various streets, alleys and courts to the south of Holborn-hill, and therefore in my view inaccessible to the uninitiated, are congregated a number of persons, principally young men engaged in trades of various kinds, and constituting what is called the "City Exchange Fair." The trade is carried on principally in Cutler-street, Phil's Buildings, City Exchange, Exhibition Mart, Harrow-alley and Petticoat-lane, places notorious in the annals of crime for robberies and abominations of all descriptions. The articles offered for sale consist for the most part of worn apparel and jewelry, and the like, sold for the greater portion of the day. I speak from personal observation and inspection, and hesitate not to characterize the place as never the very richest sink of profligacy and crime to be found within the length and breadth of London. Of the fifteen thousand individuals there assembled, some are Jews of the lowest grade, but the great majority are nominally Christians; united together for forming a multitude of the most ignorant, lawless, brutal and degraded ruffians that the metropolis can furnish. In this vile haunt crimes are both planned and perpetrated; for, in a court at the entrance to Harrow-alley, I was myself informed, on the occasion of one of my visits, by one of my excellent police, that of all the rascals there congregated, of various ages, and to the number of several hundreds, every individual had been a convicted felon. Stolen property is here disposed of to any extent, "and no questions asked;" and an inducement is thereby held out to thieves from every quarter to bring hither the results of their actings, assured of their immediate and safe disposal. I could furnish you with many details of this den of horrors, but I will content myself with affirming that it there be an epithet in the English language more descriptive than another of a place teeming with blasphemy, obscene and shameless, and of a boldness amounting stained with every vice sensed to sanctions, that I would select and apply it to the defilement of foul scenes and filthiest of filthy institutions. No man can possibly imagine it who has not visited the place and seen it with his own eyes.

"I detest Puritanism, and am as much opposed as any man can be to any action towards the poor. But the suppression of this infamous fair would be a boon to the public at large. I will not believe that the Legislature is cognizant of the facts above detailed, and of such a scene existing in the midst of us and exercising a moral contagion for all disorders. Were it known for what it really is, I feel sure that the knife and cautery of the law would have ere now removed this pestilence clear from our body politic, and to least for one day in seven, have cleansed our city from this horrible plague-spot. The evil is not—cannot be known, or I am confident it would not be suffered to exist.

"We may consider or differ on some of the minor points of the bill now under discussion, and at the same time give each other credit for good intentions, but I am sure we must cordially agree in our condemnation and our desire for the immediate suppression of this most execrable scene, hateful alike to God and man.

"I am, Sir, your obedient servant,

THOMAS HUGO,

Senior Curate of St. Botolph, Bishopsgate.

BISHOPSGATE-STREET-WITHIN, July 9."

Violation of the Neutrality Laws—The British Consul at Cincinnati held to Bail in $2,000—Speech of Mr. Rowecroft.

Abridged from the Cincinnati Enquirer, July 15.

W. W. WARDEN, the U. S. Commissioner, gave, on Saturday, a long decision in the case of the British Consul and others, holding them to bail. As the Commissioner is only an examining court, his decision is not of essential importance.

As to Mr. Rowecroft's claim to exemption from arrest, the Commissioner shows that Ambassadors only are privileged from arrest under all circumstances, and that Mr. Rowecroft was a Consul, saying:

"If a citizen of Cincinnati can be arrested in his own dwelling for crime, (and we know it is lawful to do so,) the defendant, although a Consul of Great Britain, can also, for a like offence, be arrested in his dwelling."

The Commissioner then sums up the evidence:

"Now, does the testimony establish the fact that the defendant did hire any one to enlist or enter, &c.? Has there been a hiring? The testimony has been so frequently stated that I shall not attempt to follow it minutely, but it establishes the fact that CONAHAN visited the defendant in company with MCKAY; that there a promise or assurance was given by defendant that if he would raise a given number of men within a given time, he should be rewarded by receiving a captaincy in the British army; that the parties to be enlisted were to be furnished with means to pay traveling and other necessary expenses to Canada, and $30 twenty money when they arrived there, deducting traveling expenses; that the witness and the others in the league with him did procure men, though they did not intend really to leave, but were acting in concert with defendant; that one of the number, (HENRY) did, in pursuance of the promise made by defendant to CONAHAN, actually receive money and tickets from MCKAY for the purpose of defraying the expenses of HENRY and the men, the German company as well as the league, who were to be taken to Canada, and who were placed in his care through the agency of Capt. MCKAY; that these parties were arrested on the point of leaving the city on the railroad, having their tickets and money in their possession; that the defendant was acting in concert with MCKAY, THERNURSE, HARTWEG, and perhaps others, in a conspiracy to violate the law of this country, by procuring, hiring or procuring persons to go beyond the limits of the United States, with intent to be enlisted or entered as soldiers in the service of a foreign prince, in a war against a people with whom we are at peace. I am, therefore, compelled to hold the defendant to this charge.

The following is

MR. ROWECROFT'S SPEECH BEFORE THE COURT.

Before the amount of bail had been arranged by the Commissioner, Mr. Rowecroft craved permission to make a few remarks, the substance of which were as follows:

May it please your Honor: It is true that I hold only the title of a Consul, but it will be proved that I am a public minister, and entitled to those rights and privileges. When I came to this country, empowered by my Sovereign, I presented myself before the President of the United States, and he, in behalf of and acting for the great American people, granted me an *exequatur*, entitling me to all the dignities and privileges of the most favored nations, and I now hold it *to be* my duty, in behalf of the Government I now represent, to protest against an opinion which does not grant me those rights and privileges enjoyed by the Consuls of the most favored nations. I deem it a duty I owe to my Sovereign to make this protest. Personally, I am nothing in this matter, but I represent the great independent British nation.

[The Consul then spoke of the treaty between this Government and France in relation to Consuls and their exemption from arrest, and claimed for the Consuls of his Government the same privileges and exemption.] He said:

I now assert my entire innocence of the charge brought against me; *I would not be so foolish* or so simple as to engage in such a scheme.

[Mr. R. went on to state that there was a point not sufficiently or distinctly dwelt upon by his counsel, which was that he was a representative of a great Government in a ministerial capacity, and claimed to be exempt on criminal process on account of his character as Minister; that he was sent here by his Government at a time when it was supposed that a set of privateers were organizing to invade Cuba, which, if true, it was his duty to report to his Government. He, therefore, claimed that his functions were more ministerial than consular.]

Yet, said he, the Consul's office is a public one; all classes are permitted to enter; all receive the same attention. The ragged, the ignorant, and the poor, as well as the rich and informed, receive my attention when it is claimed. How easy might it be, then, for an evil-disposed person to misrepresent what I might say! It is not to be supposed for a moment that I am not aware of what is going on around me—that I am not aware that enlistments for the Crimea have been made in the city of Cincinnati. I have applications every day—sometimes twenty of them; and if your Honor will indulge me, I will describe these interviews, for they are pretty much all alike.

An individual comes into the office, and, after taking a seat, commences, as is common in America:

"Very fine day."

"Very."

"Crops are abundant and promise well."

"Extraordinarily."

"Great Britain is at war with Russia now."

"Yes, that's a fact pretty generally known."

"Very bad business."

"Very."

"I hear England is raising a Foreign Legion."

"Yes, that's a fact pretty generally known."

"England treats her soldiers well."

"Yes, she always treats men well who fight for her, certainly."

"Well, I should like to enlist in the Foreign Legion.

"Well, I should like to see you fighting for her in the Crimea, with five thousand other Americans; you are a fine looking fellow, but I can't do anything for you."

"Why, are you not the British Consul?"

"Yes, I am; and for the very reason because I am British Consul, I cannot enlist you for the Crimea."

Hereupon, the applicant goes away grumbling at his hard fate in not being enlisted in the Foreign Legion.

How easy, then, is it for a maliciously disposed person to misrepresent what I say. I do not pretend to deny that I am aware that enlistments for the Crimea have been made in the city of Cincinnati. It is my duty to know it.

I tell you Sir, I am heartily sick of these applications, and feel like humbling the applicants down the stairs when I see them approach.

I am sent here by my Sovereign for the purpose of being aware of it, and report to my Government. It is my duty to acquaint myself with what is going on around me of interest to my country and my Sovereign.

It is my duty to protect every British subject who claims such protection.

Here a voice cried out, "Ah, I can hear what you say now."

The Commissioner very promptly ordered the man to be removed.

Mr. Rowecroft then contended that the entire proceedings had been irregular, that he felt himself alone, but that he should ever uphold the rights of his Government, and had no fear whatever of prisons. He concluded by saying that he had come to this country to cultivate peace between two great nations, and he thanked God that the conspiracy, as shown to exist among the witnesses, did not originate with the American people.

The Commissioner then fixed the bonds of ROWECROFT, TURNBULL and HAMILTON—the former at $2,000, and the latter $1,000 each. Captain POSHNER was held in his own recognizance. MCKAY *was too ill to appear in Court.*

Awful Scene in Janesville, Wisconsin—Fearful Outbreak of Popular Vengeance.

Sentence of Mayberry the Murderer—Prisoner Taken from Custody of the Officers, Dragged through the Streets by a Rope, and Hung on the Public Square!

From the Chicago Tribune,

There has been a tragedy at Janesville in Wisconsin. It arose from an outbreak of popular opinion, over difficult to curb, and yet fearful to look upon or to contemplate. Revenge, in the individual, when glutting itself, or greedy to do so, is hated. We shudder at it, and consider or call him a wretch who is swayed by it. But when it seizes hold of a multitude, and makes of it a mob, alike reckless and lawless, it is in civilized society a terrible evil. The facts are these:

MAYBERRY, a man of notorious infamy of life, a former State Prison convict, and universally dreaded and hated by those who knew him, for his avowed and desperate wickedness, formed the acquaintance in Janesville of a man named ALGER, who had come thither from the upper country to dispose of a raft of logs. The logs being sold and the money received for them, ALGER was induced by MAYBERRY to take the latter in his buggy with him when he started for home. Upon reaching a thick wood some miles from Janesville, the murderer arose in the buggy for the purpose, as he told his victim, of taking a bottle from his pocket and having something to drink. Drawing out the bottle, he struck his victim with it over the forehead, inflicting a blow which laid him senseless. The murderer repeated his blows until life was extinct, and then dragged the body out of the buggy, stripped it of its clothing, dressed himself in the garments reeking with the blood of his victim, secreted his money about his person, and, getting into the buggy again, proceeded to the house of an acquaintance, near Rockford, Illinois. Arriving here he boldly and recklessly boasted of the "grand raise" which he had made, exhibited his money and his blood-stained clothes, and vaunted his prowess in deeds of blood. His friend becoming alarmed, lest by concealing what was thus told him he might be implicated as an accessory to the deed, sent off secretly a messenger for the Sheriff, who, soon arriving, captured the murderer.

The indignation of the people upon learning the circumstances of this brutal murder, soon became intense, and passed all bounds of prudence. Knowing that as the murder was committed in Wisconsin, and that the laws of that State prohibited capital punishment, blood would not be shed for blood, they resolved to take the case in their own hands, and lynch the murderer. Several attempts were made to take him before his trial, but the skill and ingenuity of the officers saved him. The rage of the people, however, was not to be evaded, and the sequel to the tragedy will be found below. The ringleaders of the mob referred to were raftsmen, from the pineries and the river.

From the Milwaukee Sentinel of yesterday.

The trial of MAYBERRY for the brutal murder of ALGIER has occupied the Circuit Court, at Janesville, Judge DOOLITTLE presiding, for several days past. The case was given to the Jury on Wednesday evening, and after a very brief absence they returned a verdict of *guilty*. The officers immediately started with their prisoner for the jail. As they left the Court House some one in the large crowd assembled outside threw a noose over MAYBERRY's head, and an attempt was made to get him out of the hands of the officers, with the design of *lynching* him. The attempt failed, however, the noose being thrown off by an officer, and the prisoner hurried into the jail. Around this building the crowd immediately gathered, increasing in number till some two or three thousand were assembled there. The firm and decided course of the Mayor, Sheriff and other officers, alone prevented an attack and probable rescue. The crowd did not disperse till 2 o'clock A. M.

MAYBERRY was to have been sentenced yesterday morning, and fears were expressed that an attempt would be made to get him away from the officers and hang him out of hand. The testimony on the trial leaves no doubt as to his guilt, and the circumstances developed show him to have been an inhuman and brutal murderer. These facts and the knowledge that by the law of Wisconsin his life is safe, and that no heavier punishment awaits him than imprisonment in the State Prison, accounts for the manner demonstration of Janesville. Still, for the credit of Old Rock and the State at large, we hope that the wretched prisoner will be left in the hands of the officers, to be dealt with as the law directs.

From the Beloit Journal, Extra.

BELOIT, July 13—2 P. M.

We have just received the following dispatch from our oblig friend, Mr. WM. P. WATSON, telegraph operator at Janesville, and hasten to lay it before the public:

JANESVILLE, July 13—2 P. M.

This morning, at 8½ o'clock, the prisoner MAYBERRY was taken to the Court-House to receive his sentence. A greatly excited crowd assembled around the prisoner, but the officers succeeded in getting him to the Court-House, where he received the sentence of imprisonment for life.

The mob stood all round the Court-House, ready to take him the moment he should be brought out, and were bountifully supplied with ropes wherewith to hang him. The officers, knowing the mind of the people, kept the prisoner in the house until half past one, when the crowd were gone to dinner; but the most desperate of the mob remained. At that time they brought the prisoner out and started toward the jail, surrounded with officers. The mob rushed simultaneously, and a desperate struggle ensued. The steps of the jail were torn away to preclude the possibility of his entrance, and then the fight commenced. They fought about two minutes, and the mob succeeded in getting a rope around the prisoner's neck, and then he was dragged through the streets, and then taken to a tree on the public square, where they proceeded to hang him. It is said that about two minutes before he was raised, he said he was innocent; and in about two minutes more he confessed that he murdered ANDREW ALGER, and was immediately drawn up. An immense crowd witnessed the awful tragedy. When first raised, the noose was upon the back of his neck, in which position he was held for about a minute. He was then lowered for the adjustment of the rope, and again raised and held there until dead. The body was badly bruised and covered with blood, consequent on being dragged through the streets by the mob. Thus ended the most horrible tragedy that ever occurred in Rock County.

Indiana State Republican Convention at Indianapolis—Adoption of a Platform.

We published in Monday's issue a report of the proceedings of this Convention, at the forenoon session, on the 13th inst. The following, taken from the Cincinnati *Columbian*, is an account of the

AFTERNOON SESSION.

At two o'clock P. M., the Convention reassembled in the State House grove. A "goodly crowd," we apprehend, was present throughout the morning exercises, but the vast concourse in attendance in the afternoon far exceeded in number that of the morning. Altogether, there could scarcely have been less than ten thousand people present.

THE PLATFORM.

The Committee on Resolutions having announced its readiness to report, Mr. MCDUFFE, on behalf of the Committee, read the following, as the proposed platform of the Convention:

Resolved, That we cordially re-affirm all the principles set forth in the preamble and resolutions adopted by the Republicans or *People's* Convention, held in this City one year ago, this day, and, as appropriate to the occasion, we re-adopt the following part thereof:

Whereas, We, the freemen of Indiana, without regard to party, actuated by a common devotion to *our Republic, and a common reverence for its founders*, have assembled ourselves together in commemoration of the passage of the Ordinance of July 13, 1787, consecrating the Northwest Territory to freedom; and whereas, the unanimous adoption of said Ordinance, by the Representatives of all the States in the Union, *at that date, clearly evinces that opposition to the extension of Slavery to the extent of Constitutional power*, was the fixed policy of our fathers; and whereas, we regard the recent repeal of the 8th section of the Missouri Compromise" as a gross and wanton violation of the faith of the Union, plighted to a solemn compact, restricting the extension of Slavery. Therefore:

Resolved, That we are uncompromisingly opposed to the extension of Slavery; and further, that we utterly repudiate the platform of principles adopted by the so-styled Democratic Convention, on the 24th of May, endorsing and approving the Kansas Nebraska iniquity.

Resolved, That we waive all former party predilections, and, in concert, *by all lawful means* seek to place every branch of the Federal Government in the hands of men who will assert the rights of freedom, restore the Missouri Compromise, and refuse, under all circumstances, to tolerate the extension of Slavery.

Resolved, further, That our Revolutionary ancestors regarded Freedom as national, and Slavery as sectional. That we will steadfastly adhere to their policy and firmly resist every attempt to revise it.

Resolved, That we believe, that in that lacks the courage, ability, and disposition to protect the citizens of one State, or Territory, in the free exercise of the elective franchise, against the assaults of armed mobs *from other States or Territories, is undeserving the confidence* of a free people; and ought not to be continued in power, longer than a constitutional opportunity is afforded to exchange it for one that will be untrammelled by the Slave power, and that will have moral courage and independence enough to raise itself above all party prejudices; one that will not in its zeal to support *"compromised measures," lose sight of Freedom, Justice and the Constitution*, but will administer the Government fearlessly, wisely, and for the good of the whole people.

Resolved, That intemperance is a great and intolerable evil, and imperiously demands the earnest efforts of all good men for its total suppression, and to this end we solemnly pledge ourselves to each other, and to all the people of the State, never to abate such efforts until our success shall be complete. That the results of the short trial made of the present Prohibitory *Liquor law of this State have been even more beneficial* than was anticipated by its friends; we therefore ask *for the law a fair and fair trial, and pledge ourselves, if experience shall demonstrate that the law is unnecessarily rigorous in any respects, or defective in any provisions necessary to secure its benevolent objects, we will cheerfully assist in procuring all needful and proper amendments thereto.*

Resolved, That both experience and the unmistakable *manifestations of a just public sentiment demand a* change of the Constitution and laws of this State, so as to limit the elective franchise to such persons as are actual citizens of the United States, either by birth or by a full and final conformity with the laws on the subject of naturalization.

A vote being taken on the reception and endorse*ment of the resolutions as expressing the sense of* the Convention, they were, without exception, *unanimously adopted.*

Arif further to show their appreciation of the *"soundness" of the principles therein promulgated*, the people rose *en masse* to their feet and greeted *the result with prolonged and enthusiastic cheers.*

Speeches were made by Hon. HENRY S. LANE and others, after which the Committee on Resolutions, on whom was conferred the power of *appointing a State Central Committee, made their* report, which was at once endorsed by the Convention.

Gen. KILLGORE offered the subjoined resolution:

Resolved, That the Ohio Convention of the People's Party now in session, be notified of our proceedings, by sending the following telegraphic communication: Indiana greets the Republicans of Ohio; ten thousand freemen have set the seal of eternal condemnation on Democracy and Old Line Whigdom; Platform adopted unanimously.

The resolution being adopted without a dissenting voice, the Convention adjourned *sine die*, after giving three hearty cheers for their Platform.

Kossuth's Reply to Attacks.

From the Chicago Tribune.

The good and great Magyar writes a letter to the NEW-YORK DAILY TIMES, defending himself "for writing for pay." We are only surprised that any Americans worthy the name should have made themselves "merry" at his honest course, or have "derided" him for it. Yet we cannot regret it, for it has called out from KOSSUTH a defence which will exert a beneficial influence now and hereafter, whenever and by whoever read.

That a sordid and coarse mind should despise labor is natural enough, but that editors should so far dishonor their vocation as to seek to degrade *the very means which give dignity to their position* and power to their profession, is passing strange. *Do they "dip their pen in the venom of envy"* so deep that they know not when they wound themselves. Are they so sordid or so revengeful as to strike at another without seeing that the blow will recoil against them? Is "partyism" so blind and maddening as to cause them to pollute the very shrine of freedom—a *free press!* Be the cause what it may, there is no excuse for this conduct—no palliation which an American would not consider himself degraded in offering.

Disguise it as we may, they who object to any man, in position or out of position, earning his bread by hard and honest toil, has no respect for labor. And what does this involve? An utter disregard for the rights of man, a love of class distinction, the selfish and base ignoring of those *means, of every quality and of every means, which* can give stability to the Republic or liberty to man. Carry out logically the objection made to KOSSUTH, infuse its spirit into American society, and let it live and rule there, and free labor—the hard-working man—would be first *deemed menial*, and then hold as a serf. No terms should be made with this *feeling, emanate when or where it may. Free* Labor is the soul of Liberty. It is the life-breath *of the Republic. We must feel it as a conviction* —it must be as an instinct in the American soul, *not only that every child born on our soil is entitled* by right to the best opportunity for developing whatever talent God has given him, but that the labor whereby the citizen builds himself and the State up, shall be hailed and held as the crowning dignity and glory of both. We rejoice, therefore, to hear the Hungarian, in defending this view, so plead with Freemen in behalf of the very basis of Freedom.

Breaking of a Railroad Bridge—Three Men Killed.

From the Philadelphia Pennsylvanian, July 17.

Yesterday afternoon, at a few minutes after 1 o'clock, as the workmen engaged in the erection of the bridge over Ridley Creek, on the Westchester and Philadelphia Railroad, were about commencing their work, the false works gave way, and the whole span fell to the ground, carrying with it five workmen who were upon the upper chord. WILLIAM K. BEARD, the foreman, and two of the workmen who were on the lower chord, felt that something was giving way, and sprang a distance of about fifteen feet to the nearest pier; they escaped uninjured. Three of the five were immediately killed, and the other two are not expected to survive their injuries.

There were altogether twelve hands employed upon the bridge; five of them were fortunately employed in preparing materials for permanently securing the span, by putting in the main braces, and were not upon the structure.

We have not learned the precise cause of the accident—the first of this nature which has occurred on the line of the road—the contractors, Messrs. STONE, QUIGLEY & Co., having carried through to completion the bridges over Mayland's, Cobb's, Darby and Cram Creek, without any casualty whatever.

The names of those who were killed are DIXON DOTEY, JAMES RUSSELL and JOSEPH STILLE. JOSEPH SHARP and THEODORE ZENSON are badly injured and not expected to recover. All these five are unmarried men.

The poet, JAMES G. PERCIVAL, holds the office of State Geologist, (Wisconsin,) having been appointed by Governor BARSTOW, about a year ago, since which he has resided there. But when you come to his face, you forget his apparel. His nose is hooked and thin, his eye is gray, his mouth closed, his forehead high and broad, with the shade of unhappy years and torturing thought upon it. His timidity is unconquerable; he is now as bashful as a child—is frightened at his own voice in a strange circle, never speaks until he is addressed, shuns society and seeks no friends. Devoted to his duties, he spends his days in mineral holes and quarries, and his evenings in recording his observations, and his nights in quiet sleep. He is quite poor, depending upon his profession as a geologist for his support.

Of the one hundred and twenty Colleges in the United States, Harvard College, in Cambridge, is the best endowed, and the oldest—having been formed in 1636—and has the most extensive library, consisting of over 98,000 volumes. The Commencement of Harvard will take place on Wednesday, the 18th inst.; Dartmouth, Yale and Hobart Colleges hold their Commencements on Thursday, the 26th; Amherst College, Thursday, Aug 9; Williams College, Wednesday, Aug. 15; Brown University, Wednesday, Sept. 5.

The Trustees of the Maine State Seminary have agreed to locate the Seminary at Lewiston. The citizens of Lewiston gave $15,000 to the Seminary. The donation from the State was $15,000, and the whole fund will amount to $50,000.

MARKET REPORTS.

Markets.....*Carefully reported for the N. Y. Daily Times.*

TUESDAY, July 17—6 P. M.

ASHES—There were 1,200 bbls. sold at $6 50 for Pots and 50 @6 62½ @7 for Pearls, ⅌ 100 lbs.

BEESWAX—Sales of 3,000 lbs. prime American Yellow have been effected since our last, at about our previous rates.

CANDLES—Are not so active, but with a reduced supply, prices are sustained.

COFFEE—The market exhibits less animation, but is quite firm.—the sales since our last including 400 bags Laguayra and Maracaibo, at 10½@11½c.; 800 Rio, at 10½@11c.; and a small lot of Porto Rico at 11½c., ⅌ lb.

COPPER—Is still essentially unchanged in demand and value.

COTTON—Rules dull and heavy, with more sagacious to sell, while the inquiry is but a very moderate one. Prices are unsettled and tending downwards.

FISH—Dry Cod are less sought after and can now be had at $3 37½@$4 12½ per cwt. Mackerel and Herring are as previously reported.

FLOUR AND MEAL—State and Western brands are flat in no much request, even for the Eastern and local trade, and though the receipts are rather limited, prices are weaker, and shopping, and choosing, among grades, these being the most freely offered while they appear in the least demand. The day's movements embrace 6,000 bbls. within our range:

Inferior State	$8 12½ @ 8 75
Ordinary State	8 25 @ 8 37
Straight State	8 37 @ 8 50
Favorite and Extra State	8 50 @ 8 87
Mixed Western	9 12½ @ 9 50
Common to good Indiana and Michigan	9 25 @ 9 50
Fancy Michigan	9 50 @ 9 75
Common to good Ohio	9 12½ @ 9 50
Fancy Ohio	9 50 @ 9 75
Extra Ohio	9 75 @ 10 00
Extra Indiana and Michigan	9 50 @10 25
Fancy Genesee	9 00 @ 9 50
Extra Genesee	11 00 @12 75

Canadian is still less active and tending downwards. The operations embrace only 700 bbls. common to extra, at $10@$11 ⅌ bbl. Southern Flour is dull and lower, with sales of 1,000 bbls. mixed to fancy and extra, at $10 25@$12 ⅌ bbl. *Rye Flour is still moderately* inquired-for, including fine and superfine, in lots, at $7 37½@$8 87½ ⅌ bbl. Corn Meal continues in slack request at $4 75 for Jersey, and $5 25 for Brandywine, ⅌ bbl.

FRUIT—The market is not so active, but it retains its firmness. There is a smaller general trade here. Reduction to-day, the cargo of the bark *Antonietta*, from Palermo, was dispensed of at $1 75@$2 25 for *1,650 boxes Oranges, and $1 12½@$1 87½ for 2,000 do.* Lemons.

GRAIN—Wheat is rather plentier and easier. The day's business consists of about 3,600 bushels new Southern Red and White, at prices ranging from $2 20 @$2 40, mostly at rates below $2 35 ⅌ bushel. Rye is not worth, in large lots, more than $1 37½, but small *parcels thereof bring $1 40 ⅌ bushel. Nothing new* has occurred in Barley or Barley Malt. State and Western Oats are brisker, but cheaper, being freely purchased at 61c.@62c. ⅌ bushel. Corn is in good demand and is pretty firm, with sales for the day of 70,000 bushels common to prime Western mixed at 90c.@91c. ⅌ bushel.

HAY—About 300 bales River changed hands at former rates.

HEMP—Is inactive but firm, with moderate receipts and supplies.

HOPS—Rule quiet, but steady at 24c.@27c. for last year's crop ⅌ lb., with only a very small quantity in market.

IRON—The market is devoid of animation, but rates firm. 150 tons Scotch Pig brought $30@$31, usual terms, ⅌ ton.

LATHS—Eastern are in fair request at $1 50 ⅌ thousand, with less offering.

LEAD—We have nothing really new to notice in this line.

LIME—Rockland is more inquired for at previous buoyant prices.

MOLASSES—We heard of sales of 170 bbls. New-Orleans at 31c.@32c., and 60 hhds. Cuba Muscovado at 29c.@30c. ⅌ gallon.

NAVAL STORES—Crude Turpentine remains inanimate, but firm at previous rates. A moderate inquiry still exists for Spirits Turpentine at 43c.@44c., cash, ⅌ gallon. Tar and Resin continue as before represented.

OILS—Whale and Sperm are but sparingly dealt in at former quotations. Red and Olive Oils are without change. Linseed is in less request, at 56c.@60c. for large, and 60c.@90c. for small lots, ⅌ gallon. The stock is still light. Lard Oil has not varied.

PROVISIONS—Pork is pretty active and buoyant, with sales of 1,700 bbls. at $19 87½@$20 for new Mess; $19 50 for old do., and $16 50@$16 62½ for new Prime, ⅌ bbl. Cut Meats are moderately inquired for at former rates, with sales of 100 pkgs. at 9½c.@10c. for Hams, and 7½c.@7¾c. for Shoulders, ⅌ lb. Lard continues quiet and languid, sales having been made to-day of 400 bbls. and tcs. fair to Prime, at 10½c.@10¾c. ⅌ lb. Beef is in fair demand at full rates, 300 bbls. were disposed of *during the day at $9 75@$10 25 for Prime; $11@$13 for* Country Mess; $15 50@$16 for repacked Mess, and $17 for extra do., ⅌ bbl. Prime Mess Beef is dull and heavy within a range of from $24@$26 ⅌ tc. Beef Hams remain inactive and languid at from $15@$17 50 ⅌ bbl. Butter is obtainable at 13c.@17c. for Ohio; 18c.@19c. for ordinary to good State, and 19c.@22c. for choice do., ⅌ lb. Cheese sells slowly at from 4c.@6c. ⅌ lb.

RICE—Continues quiet at old prices, with sales of only a few retail lots to the trade.

SALT—Is salable, and steady; white being less freely offered.

SEEDS—Are inactive and nominal. There is not a great deal of any kind here.

SOAP—A lot of 60 boxes Castile was taken at 10½c. ⅌ lb.

SUGARS—We have no particular change to notice in the market. The day's transactions include 500 hhds. Cuba, at 5½c.@6½c.; and small lots of other kinds at former figures.

TALLOW—We heard of sales of 14,000 lbs. prime, at old rates.

TOBACCO—Remains in moderate request at unchanged prices; the sales since our last comprising 198 hhds. Kentucky, &c., at 7½c.@11½c.; 184 cases Seed Leaf, at 7½c.@13½c.; 75 Florida, on private terms; 116 *bales Havana, at 55c.@70c., with 19 bales Manilas, and* 25 serrones St. Domingo, both for export, on terms not made public.

WHISKEY—Sales of 300 bbls. Ohio and Prison transpired at 40½c.@41½c. ⅌ gallon.

FREIGHTS—Remained generally dull and heavy; the reported engagements having been quite limited, while rates were barely sustained.

NEW-YORK CITY BUSINESS DIRECTORY.

The following list consists of professional Persons in each line of Business:

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American and Foreign Silks.

BRYSON, McADAMS & CO. (Imp. & Job.) 128 Broadway.

Worsted Work, Zephyr Worsted Silks, Tapestry Canvas, Gros Point Needles, Gold and Silver Articles for Regalia.

KOHLSAAT BROS., (Importers and Jobbers,) 51 John-st.

American Lamps and Gas Fixtures.

SMITH, BRO. & CO. (Manufr's)....128 Williams-st., cor. Gold-st.

Gentlemen's Furnishing Goods.

J. M. DAVIES, JONES & CO., (Imp. & Jobbers) 38 Warren-st.

American Fashionery.

MERCHANTS' GOLDEN BELL.....507 Broadway.

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R. L. ALLEN (late A. B. Allen & Co.) Mount Hope Works.

Artificial Flowers and Feathers—New Styles.

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S. M. PETTENGILL & CO.....119 Nassau-st.

American Saddles, Harness, Trunks, &c.

R. M. SHORES, (Imp. and Manf.), 301 Broadway, cor. Hunter-st.

Decorative Artist in Fresco, &c., &c.

GEO. FICHT.....[illegible] 2nd Street.

Drugs, Chemicals, Paints, Oils, Dyes, &c.

HINSDALE & DARLING, (Wholesale Dealers) 38 Vesey-st.

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CHAS. A. FRICK.....448 Broadway.

Brass, Composition and Sheath.

H. P. KIMBALL, (Wholesale and Retail,)....32 Beekman-st.

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French and German Linens, &c.

CHARLES SINN & CO., (Importers,) No. 43 Maiden-lane and No. 81 Liberty-st.

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WM. H. JACKSON, (formerly W. & H. Mackenzie Jun.) No. 501 Broadway, one door above 124-st.

Hardware, Cutlery, Edge Tools, &c.

T. DOUGLASS, Manufacturer and Dealer.....5 Platt-st.

Iron, Metals, &c.

BUNTING & BEAN, (Brokers,).....39 Wall-st.

Boat and Oar Manuf.

From 200 to 300 Boats always on hand. A liberal discount allowed to those who buy to sell again. INGERSOLL'S 188 South-st.

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A. M. QUIMBY & SON, 128 East 27th, and 119 Beaver-st.

LYON Manufacturing Co. Gilt Enameled Patent. Other rods put up for 62 cents per foot. 7 Gold-st.

Lithographers.

GEORGE HAYWARD.....289 Water-st.

Looking Glasses and Picture Frames.

JOHN S. WILLARD.....440 Pearl-st., near Chatham.

Lamps, Fluegum, Burning Fluid and Camphene.

CHARLES STARR, Jr. & CO.....133 Fulton-st.

Looking Glasses, Picture Frames, &c.

RICHARDS, KINGSLAND & CO.....118 Chambers-st.

Paints, Oils, &c.

RAYNOLDS & DEVOE.....166 and 168 Fulton-st.

Paper Warehouse.

STRUBE, FIELD & CO., (Wholesale Dealers)..11 Chatham-st.

Plantished Tin and Japanned Ware.

GEO. MODGETTS (Manuf.).....120 William-st.

Paper in Rolls and Reams.

EUGENE ELY.....76 Fulton-st., 2d door below Gold.

Promissory Notes and other Mercantile Paper, Sold on com. by D. M. FARNUM, 3 Jamecy-court, Wall-st.

Steam Engines, Machinery Tools, Cotton and Woolen Machinery, &c.

ANDREWS & JESUP, (Com. Merchants).....51 Pine-st.

Ship Bread and Crackers.

E. TITUS & CO.....[illegible] Washington-st.

Sperm, Whale, and Lard Oil.

M. VANDERHOFF, (Manufacturer and Dealer) 22 and 24 Frankfort-st.

Toys and Fancy Goods.

S. ANLOFF & CO.....56 Maiden-lane, and 16 Liberty-st.

Watches, Jewelry and Fancy Goods.

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F. HOPKINS & BRO.'S, (Importers).....82 Barclay-st.

☞ Any additions to the above list should be brought to the office of S. M. PETTENGILL & CO. No. 119 Nassau-st.

NEWSPAPER ADVERTISING,

S. M. PETTENGILL & CO., No. 119 Nassau-st., New-York, have made such arrangements with the best and most widely circulated journals in the United States and Canadas, that they are enabled to offer to the owners of those and equivalent to the advertisers who do business through them. They issue the best papers, and advertise exclusively at the very lowest prices, and always have the interest of the best interests in view. Merchants may safely rely on their being made to call on them.

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NEW-YORK, Jan. 11, 1855.

The Trustees of this Company have this day declared, in con

AUCTION SALES.

CHARTON OAK, BRIGANTINE, FOR PORTLAND, ME.—On THURSDAY, July 19, at 12 o'clock, at the Exchange, will be sold, the Brigantine CHARTON OAK, 200 tons, 3 years old, now lying at Coenties-slip. Also, 1,000 tons of Lehigh COAL, cargo of the Brigantine. Inquire of ...

DAILY TIMES

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